

# THE SOUTHWESTERN SOCIAL SCIENCE QUARTERLY

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# THE SOUTHWESTERN SOCIAL SCIENCE QUARTERLY

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## UNEMPLOYMENT COMPENSATION LAWS IN THE SOUTHWEST

JOHN B. EWING  
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### I

#### INTRODUCTION

Now that all the states in the union have enacted unemployment compensation laws, it is well to review some of the features. In the Southwest the first state to pass a law was Louisiana in June, 1936, and the last was Missouri in June, 1937. That the tax-offset principle was of importance in stimulating interest and enactment of the nine laws in a period of a year will be recognized at once. In the twenty-six year interval since the first enactment of workmen's compensation laws in 1911, we still find two states,—Mississippi and one in the Southwest, Arkansas,—without state laws.

### II

#### TYPE OF FUND

The Southwestern states have joined the general movement toward completely pooled funds for unemployment compensation, in contrast to the individual employer reserve account types as found in Wisconsin and Nebraska, or the combination types (five-sixths employer reserve and one-sixth pool) as found in Indiana, Kentucky, Oregon, and South Dakota, or the pooled fund with voluntary election of employer reserve system as found in Vermont.

All of the Southwestern states provide for a contribution differential or merit rating if the employer has a high degree

## UNEMPLOYMENT COMPENSATION LAWS IN THE SOUTHWEST

State and Type of Fund	Size of Firm	CONTRIBUTIONS			BENEFITS				Administrative Agency
		Percentage of Wages		Employee	Month first Payable	Percentage of Wages	Maximum per Week	Minimum per Week	
		Employer 1937	1938						
Arizona Pooled, Merit Rating	Employer of 8 or more in 20 weeks	1.8%	2.7%	None	Jan. 1939	50%	\$15	\$5 or 1 of wages	Unemployment Compensation Commission
Arkansas Pooled, Merit Rating	Employer of 1 or more in 20 weeks	1.8%	2.7%	None	Jan. 1939	50%	\$15	\$5 or 1 of wages	Department of Labor
Colorado Pooled, Merit Rating	Employer of 8 or more in 20 weeks	1.8%	2.7%	None	Jan. 1939	50%	\$15	\$5 or 70% of wages	Industrial Commission
Kansas Pooled, Merit Rating	Employer of 8 or more in 20 weeks	1.8%	2.7%	None	Jan. 1939	4% of wages of previous quarter	\$15	\$5 or 6% of wages in previous quarter	Commission of Labor and Industry
Louisiana Pooled, Merit Rating	Employer of 8 or more in 20 weeks	1.8%	2.7%	5% 1937 and there- after	Jan. 1938	50%	\$15	\$5 or 1 of wages	Department of Labor
Missouri Pooled, Merit Rating	Employer of 8 or more in 20 weeks	1.8%	2.7%	None	Jan. 1939	4% of wages in previous quarter	\$15	\$5 or 6% of wages in previous quarter	Unemployment Compensation Commission
New Mexico Pooled, Merit Rating	Employer of 4 or more in 20 weeks	1.8%	2.7%	None	Dec. 1938	50%	\$15	\$5 or 1 of wages	Unemployment Compensation Commission
Oklahoma Pooled, Merit Rating	Employer of 8 or more in 20 weeks	1.8%	2.7%	None	Dec. 1938	50%	\$15	\$5 or 1 of wages	Department of Labor
Texas Pooled, Merit Rating	Employer of 8 or more in 20 weeks	1.8%	2.7%	None	Jan. 1938	50%	\$15	\$5 or 1 of wages	Unemployment Compensation Commission



of employment stability, while nine states with completely pooled funds in other parts of the country provide only for the study or make no provision at all for merit rating. There is a considerable degree of variation in the amount of merit rating. Arkansas provides that if an employer's total accumulated contribution to the pool is 7.5 to 10 per cent of annual pay roll his rate shall be 2 per cent, and if the reserve is 10 per cent or over, the contribution rate shall be 1 per cent. Similar provisions are found in Arizona. While Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas permit reduction of contributions to .9 of 1 per cent if 10 per cent reserve is built up, the Missouri law permits a rate of .9 per cent if reserve is 10-15 per cent of average annual pay roll and no contribution at all if the excess of contributions over benefits exceeds 15 per cent.

### III

#### SIZE OF FIRM

All of the states of the Southwest follow the Federal act in including only firms employing 8 or more except New Mexico, which includes firms employing 4 or more; Arizona, which includes firms employing 3 or more; and Arkansas, which includes firms employing 1 or more during 20 weeks in a calendar year. Eight states in other parts of the country include firms employing 1 or more. Three states include firms employing 2 or more; seven, including New Mexico, include firms employing 4 or more; and one includes firms employing 5 or more; while Ohio joins Arizona in including firms employing 3 or more.

### IV

#### CONTRIBUTIONS

All of the states in the Southwest provide for contributions from employers of 1.8 per cent of pay roll during 1936 and 2.7 per cent thereafter until merit rating starts in 1941 and 1942 (three years after beginning of benefit payments). Only one state in the Southwest, — Louisiana, — provides for employee contributions, and in that state only .5 per cent. Again

the national trend is followed, inasmuch as only seven states in the nation, including Louisiana, provide for employee contributions.\*

## V

## BENEFITS

It will be noticed that two states in the Southwest, Louisiana and Texas, start paying benefits January 1, 1938. Two others, New Mexico and Oklahoma, begin benefit payments December 1, 1938, and the other five, January 1, 1939. The date of the beginning of benefit payments depends upon the date the unemployment compensation act was passed, the retroactive tax features of the state laws, and the Federal requirement that two-years' contributions must precede benefit payments. Louisiana and Texas face the big task of the compilation of employee earnings and wage credits during a base period of two years and of training public employment office personnel in benefit payments by January 1, 1939.

All of the states in the Southwest provide for benefit payments equal to 50 per cent of weekly wages, with a maximum of \$15 per week, except Missouri and Kansas, which provide for a weekly benefit payment of 4 per cent of wages of previous quarter, but not to exceed \$15 per week. Business machine companies making machines for state agencies for the computation of records say that the Missouri-Kansas procedure is easier to administer. However, the Missouri-Kansas method may be more difficult for the worker to understand.

All of the states of the Southwest provide for a maximum duration of benefits of 16 weeks within 52 weeks except Louisiana, which provides for 15 weeks, Arizona, which provides for 14 weeks, and Missouri, which provides for 12 weeks. This is in accordance with the general trend throughout the United States.

The laws in the Southwest provide for a minimum of \$5 per week or three-fourths of wages in all states except Oklahoma, which provides for a minimum of \$8 or three-fourths of wages, and Missouri and Kansas, which provide for \$5 or 6 per cent of wages in previous quarter.

\*That is, after 1937. Indiana and New Hampshire have repealed sections of their laws providing for employee contributions.

Benefits are related to wage credits, and only the workers who have had employment experience will be eligible. The laws in Arizona, Arkansas, Colorado, Missouri, New Mexico, and Texas provide that benefit payments shall be charged against earnings (not exceeding \$390 per quarter) in the first 8 of last 9 calendar quarters preceding benefit year, with a maximum not to exceed one-sixth of such earnings. Louisiana places the duration on a time basis by making the ratio of benefits to employment 1 to 4 within 104 weeks. Oklahoma follows the earnings basis but charges benefit payments against earnings during the first 4 of the last 5 calendar quarters with a maximum of one-sixth of wages received. Kansas provides for the charging of benefits against earnings (not exceeding \$375 per quarter) in the first 8 of the last 9 calendar quarters with a maximum of 8 per cent of such earnings.

## VI

### ADMINISTRATION

Three states in the Southwest,—Arkansas, Louisiana, and Oklahoma,—provide for the administration of the unemployment compensation law as a division in the Department of Labor. Colorado provides for the administration as a division in the Industrial Commission, which administers other labor laws. A similar situation prevails in Kansas where the Act is administered as a division in the Commission of Labor and Industry, which also administers the other labor laws. Arizona, Missouri, New Mexico, and Texas provide for an entirely separate agency,—an Unemployment Compensation Commission. It should be noted that the states placing the administration in the Department of Labor provide for a separate Board of Review to pass on contested benefit claims when benefit payments are started. This review work is done by the commissions when such agency is designated as the administrative unit.

In all cases in the Southwest the State Employment Service is a division or section of the agency administering unemployment compensation. This is necessary because the benefits will be paid through the employment offices. If offers of suitable employment can be obtained, benefits will not have to be paid and the funds can be preserved.

In the selection and qualifications of staff personnel, the laws of Arkansas and Colorado provide for appointments subject to the state civil service laws. The laws of Kansas, Missouri, and Oklahoma provide for holding merit examinations to determine the qualifications for the appointments on the basis of efficiency and fitness as determined in such examinations. The Arizona and New Mexico laws provide for appointment on a non-partisan merit basis, but no reference is made to examinations. The only reference in the Texas law to appointments is that employees must be *bona fide* residents of the state for five consecutive years preceding appointment and that any person who is serving as an officer or committee member of any political organization is ineligible for appointment. The prohibition on employees holding office in a political party organization is also found in the laws of Arkansas, Kansas, Missouri, New Mexico, and Oklahoma. Heavy penalties on political activity are found in the Kansas law. There is no reference at all to merit or nonpartisan appointment of personnel in the Louisiana law.

## VII

### CONCLUSIONS

On the whole, the unemployment compensation laws in the Southwest compare favorably with those in other parts of the country. Judged by most standards, the Arkansas law is probably the most progressive in the Southwest and in the entire nation. The administrators in Arkansas will not have to worry about subcontracting because of the broad coverage, including firms employing one or more. Appointments of personnel are to be in accordance with the state civil service law. The contribution differential or merit rating does not permit contributions of an employer to go below 1 per cent even though the excess of contributions over benefits charged to his account during all past years is 10 per cent or more. Employee records and benefit computations will be on the basis of wages paid per quarter, rather than hours and wages per week as is the case in some states. Adequate avenues of appeal for contested benefit claims are found in a Board of Review (Industrial Board) in the Department of Labor. Sixteen weeks of benefits are provided as a maximum.

There may be some question concerning the adequacy of appropriation for the Arkansas State Employment Service, but perhaps this can be remedied later.

The successful operation of a law will depend to a very large extent on the intelligence and efficiency of administration. One English official has stated that it took eleven years to develop competent personnel in England for the administration of unemployment insurance.

There is reason to believe that many of the Southwestern states will have some of the best administered laws in the nation.



## FEDERAL-STATE EMPLOYMENT SERVICES

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Modern public employment services have been developed to meet the need for coordination of labor demand and labor supply. Their growth has followed closely the patterns of industrial development and has been stimulated by the increased complexity of industrial society.

The earliest efforts in the United States to bring employers and workers together were effected by philanthropic societies, followed early by the establishment of private fee-charging bureaus.<sup>1</sup> The limitations of service of the philanthropic societies and the mal-practices of the fee-charging bureaus focused attention upon the need for broader areas of service and greater protection for workers.

Public operation of employment services in the United States appeared with the organization of municipal agencies. In 1834 a place was designated in every public market in New York where applicants might meet those seeking workers.<sup>2</sup> In 1868 San Francisco voted an appropriation to assist the California Labor Exchange, a free employment office established to combat the unethical practices of local fee-charging agencies.<sup>3</sup> Participation by state governments followed quickly upon the establishment by Ohio in 1890 of a group of employment offices at Toledo, Cleveland, Cincinnati, Dayton, and Columbus.<sup>4</sup> State services were organized by New York in 1896, by Illinois and Missouri in 1899, and by Wisconsin and Connecticut in 1901.<sup>5</sup> Within the next decade Michigan, Massachusetts, Colorado, Oklahoma, and Indiana created state systems, while several other states instituted various types of information services dealing with labor market conditions. These early state agencies lacked inter-state integration and

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<sup>1</sup>Barber, Jeanne C., "Employment Agencies," *Social Work Year Book*, 1937, New York, Russell Sage, 1937, p. 138.

<sup>2</sup>Bjornaraa, Drang, and others. "A Historical Sketch of Public Employment," *Employment Service News*, February-March 1935, Washington, United States Government Printing Office, 1935, p. 3.

<sup>3</sup>*Ibid.*, p. 3.

<sup>4</sup>Ewing, J. B., *Job Insurance*, Norman, University of Oklahoma Press, 1933, p. 156.

<sup>5</sup>*Ibid.*, p. 156.



suffered in many instances from insufficient appropriations, political maneuverings, and lack of qualified personnel. In spite of these handicaps, they progressed within limited areas and their experiences provided basic materials for the development of modern systems.

With the establishment in 1907 of the Division of Information in the Bureau of Immigration of the Department of Commerce and Labor, the federal government first entered the employment service field.<sup>6</sup> The Division of Information, as its name implies, was concerned primarily with informing immigrants about the economic possibilities of the country. Bulletins were distributed at various ports describing land for rent or sale, soil, climate, market conditions, and to a certain extent, employment opportunities. A more significant federal development took place in 1918 when a nation-wide United States Employment Service was established in the Department of Labor as an emergency war measure.<sup>7</sup> This service was created primarily to recruit workers for war-time industries, and served after the armistice in finding jobs for demobilized soldiers and sailors. It was curtailed abruptly in 1919 through lack of appropriations and maintained only a vestigial character to 1931, when a temporary reorganization was effected under Secretary of Labor Doak. The Doak reorganization did not prove successful because of lack of integration with existing state services and consequent duplication of functions.<sup>8</sup>

The passage of the Wagner-Peyser Act on June 6, 1933,<sup>9</sup> marked the beginning of the present system of public employment offices operated on a federal-state basis. This Act abolished the existing federal employment service and inaugurated the United States Employment Service based on federal-state coordination through grants-in-aid to states.

Under the terms of the Wagner-Peyser Act the United States Employment Service is charged with the responsibility

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<sup>6</sup>Patterson, S. H., *Social Aspects of Industry*, New York, McGraw-Hill, 1929, p. 305.

<sup>7</sup>Spahr, Walter E. (Ed.), *Economic Principles and Problems*, New York, Farrar and Rinehart, 1936, p. 365.

<sup>8</sup>Trafton, George H., "The Federal Employment Service Act," *The American Labor Legislation Review*, June, 1933, New York, American Association for Labor Legislation, 1933, p. 72.

<sup>9</sup>48 Stat. 114.

for promoting and developing a national system of public employment offices, developing and prescribing minimum standards of efficiency, maintaining a system of clearing labor between the several states, and maintaining a Veterans' Service, Farm Placement Service, and a Public Employment Service for the District of Columbia. It is based on the principles that public employment offices shall be operated directly by the states and that the federal government shall assist the states in the establishment and maintenance of public employment offices through financial assistance and through developing and prescribing uniform standards.

The Act authorized an appropriation of \$1,500,000 for the year ending June 30, 1934, and \$4,000,000 for each of the subsequent four years, three-fourths of the appropriation for allotment to states in proportion to population on a dollar-for-dollar matching basis, and the remainder for general administrative expenses of the United States Employment Service.

In order to obtain federal aid under the Wagner-Peyser Act, a state must become affiliated with the United States Employment Service. The process of affiliation involves:

1. Acceptance by the state legislature of the provisions of the Wagner-Peyser Act.

2. Appropriation of a sum equal to at least twenty-five per cent of the sum apportioned to the state by the United States Employment Service, in no event less than \$5000.00.

3. Submission of a plan of operation of the State Employment Service for approval by the United States Employment Service. Included in this plan is an agreement to conform with the standards of the United States Employment Service with respect to premises, qualifications and selection of personnel, statistics, fiscal affairs, clearance of labor, giving notice of strikes or lockouts to applicants, and procedures in the placement process.

4. Appointment of a state advisory council composed of representatives of employers, employees, and the public.

During the first year of operation, offices of affiliated state services were established in 18 states and the District of Columbia. A substantial growth occurred during the next fiscal year, ending June 30, 1935. At the end of this period, 24 states and the District of Columbia reported operations, while one non-affiliated state service operated offices in

cooperation with the United States Employment Service. The fiscal year ending June 30, 1936, saw the establishment of 10 additional state services. By June 30, 1937, all 48 states had passed legislation creating a state employment service and had accepted the provisions of the Wagner-Peyser Act.<sup>10</sup>

A temporary division of the United States Employment Service, known as the National Reemployment Service, was established in July, 1933, to serve projects undertaken in connection with the public works program requiring special selection and placement facilities.<sup>11</sup> The National Reemployment Service was created as a federal organization, supported by funds allocated to the United States Employment Service by the federal government and operated directly as a federal agency. In order to prevent duplication of functions and to provide employment services for the entire country, offices of the National Reemployment Service were established in areas not covered by existing state services. Without neglecting its primary function of serving public works and work relief projects, the National Reemployment Service has developed a successful program of placement of workers in private industry. Continuous growth of state services has brought about corresponding reductions in offices of the National Reemployment Service. Present trends indicate the eventual absorption of the National Reemployment Service through expansion in coverage of affiliated state services.

The selection of qualified personnel has been achieved by the United States Employment Service through the application of merit-system principles. At the time of organization of the United States Employment Service, only nine states maintained state civil service facilities. Under the Wagner-Peyser Act, the federal service was obligated to establish uniform minimum standards, and therefore created a merit system to be administered by the United States Employment Service with the cooperation of state officials. It is now applied to all professional positions in state services from Director through Junior Interviewer. The examination procedure involves ratings on the candidate's experience and education, a written test, and a personal interview. Further developments

<sup>10</sup>Persons, W. Frank, "Foreword," *Employment Service News*, May-June, 1937. Washington, United States Government Printing Office, 1937, p. 3.

<sup>11</sup>*Annual Report of the Secretary of Labor, 1934*, Washington, United States Government Printing Office, 1935, p. 21.

in personnel standards have been stimulated by the inauguration of personnel training programs in the various states; preparation of standard manuals of employment office procedure; conduct of an occupational research program dealing with studies in worker analysis, job analysis, and job relationships; and field surveys of state services by federal authorities.

Procedures in the collection of statistical data have been enlarged and refined during the four years of operation of the United States Employment Service. These data form significant source materials for general social and economic planning as well as basic information in the formulation of administrative procedures for employment offices. Although such data do not give a complete picture of unemployment, they reveal significant trends in the labor market as reflected in the total number of applications for employment and placements made.

The progress of public employment offices has been directly affected by developments under the Social Security Act. Unemployment compensation legislation, as enacted by the various states under Titles III and IX of the Social Security Act, provides essential administrative functions for public employment offices relative to benefit payments. As one of the chief objectives of unemployment compensation is to stabilize employment, it is essential that adequately developed state employment services operate as important features of such insurance programs.

During its first four years of operation, from July 1, 1933, to July 1, 1937, the United States Employment Service made approximately 20 million placements and received over 26 million new registrations. More than 5½ million jobs were filled for private employers during this period. The outstanding feature of its growth has been the marked increase in service to employers in private industry. During the month of May, 1937, nearly a quarter of a million private placements were made by public employment offices. This volume, 240,703, is 80 per cent above the number reported in May, 1936, when 131,786 private jobs were filled.<sup>12</sup>

The acceptance of public employment services as a legitimate function of government has been based upon their proved social and economic values in a dynamic social order.

<sup>12</sup>*Monthly Labor Review*, July, 1937, Washington, United States Government Printing Office, 1937, p. 208.



## APPROPRIATION OF WATER IN ARID REGIONS

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It would be very interesting and instructive to describe the development of the water laws in "The West" in detail, but this is far outside the scope of this paper. Water rights in the Western states have been the constant source of much litigation. Controversies over water rights have been so often carried to the courts in California that the reports of the supreme court of that state contain more decisions on that subject than on any other.<sup>1</sup>

The purpose of this paper is to explain the "Arid Region" doctrine of appropriation of water, to account for its origin, and to show why it was necessary to make changes from the commonly accepted doctrine of riparian rights in the Eastern states.

That territory west of the 100th meridian stretching from Canada on the north to Mexico on the south and the Coast Range on the west, for our purposes, may be called the "Arid Region of the United States." This territory is fifteen hundred miles from west to east and one thousand miles from north to south. If we leave the mountain ranges out of the picture for a minute, we have a vast, level, arid, treeless, grass-covered region, almost desert in places. The mountains are covered with forests, filled with minerals, and capped with snow. Since the rainfall is almost negligible except in the high mountains, the few streams in this area must depend upon the rainfall in the mountains and the melting of the winter snows for their water. In that portion of the region that might be classed as semi-arid the streams have no constant source of water supply and only run after a heavy downpour. The majority of the streams flow out from the mountains on to the great plains where in places they are in fact desert streams.

The channels of these streams only touch a small proportion of the land in the arid region. It seems that nature has clearly designed, however, that in spite of these conditions

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<sup>1</sup>An address by Hon. Lucien Shaw, Chief Justice of the Supreme Court of California, before the joint session of the American Bar Association and the California Bar Association at San Francisco, August 9, 1922, found in 189 Cal. 780ff.

the rain shall be a blessing to all, for the land is rich and productive and can be made to produce crops in abundance with the necessary water.

East of the 100th meridian there is an entirely different picture. This area, in large part, is a humid region, covered with forests and dense vegetation, numerous lakes, rivers, and streams, due to the heavy rainfall. There is plenty of water for the growing of crops, for ship canals, and for turning machinery. The water laws for this region have been copied from England. The first English colonists who came to America settled in a region not unlike that from which they came, and they found the law as it had been worked out in England in regard to water rights suitable to their needs here; hence they adopted the common law principles.

By the middle of the nineteenth century the common law was committed to the doctrine of riparian rights.<sup>2</sup> A brief survey of the common law doctrine of riparian water rights will show why this doctrine is unsuited to the arid regions of the United States.

In England irrigation is unnecessary. The problem there is how to get the water off the land without injury to one's neighbor either above or below. In arid regions the problem is first to find water and second to get this water in sufficient quantities to the land to produce crops, work mines, and turn machinery, and for other beneficial uses.

The general doctrine as to the right of a riparian proprietor to the flow and use of the water of a stream flowing through his land or bordering upon it may be stated as follows:

"Every proprietor of land on the banks of a natural stream has an equal right to have the water of the stream continue to flow in its natural course as it is wont to run, without diminution in quantity or deterioration in quality, except so far as either of these conditions may result from the reasonable use of the water for irrigation or other lawful purposes by upper proprietors. He may himself use the water for necessary purposes in a reasonable manner, having due regard to the rights and needs of other proprietors provided he returns to its natural channel, before it leaves his estate, all the water not necessarily consumed in his own lawful use."<sup>3</sup>

Such a doctrine is well suited to a humid region like England or eastern United States. A riparian owner can use

<sup>2</sup>Hildebrand, Ira P., "The Rights of Riparian Owners at Common Law in Texas," *Texas Law Review* Vol. VI, No. 1, p. 19.

<sup>3</sup>Long, Joseph R., *Law of Irrigation*, 66.



the water for any purpose he wants that is reasonable, provided he restores the water to its natural course before it leaves his land, and provided he does not diminish the flow of the stream or alter its quality. For domestic purposes such as drinking, cooking, and supplying domestic animals the whole flow may be taken.<sup>4</sup> The doctrine of riparian rights grew naturally out of the right of private property in land owned in fee simple. Under the common law an entry on land without permission of the owner was a trespass, and the owner had the right to prevent it by force if necessary. Consequently, except with regard to navigable streams, those persons owning land bordering on streams were the only ones that could enjoy the use of water running therein or claim any right thereto, for no other person could have access to the streams either to take or use the water.<sup>5</sup>

The common law doctrine of riparian water rights was developed to meet an entirely different set of conditions from that which the "Gold Seekers" in California and the pioneers of the West faced when they began to develop the arid region.

Further discussion of the doctrine of riparian rights seems to be unnecessary. Enough has been said to indicate the nature of these rights and to show that such rights would prevent the development of the great arid region we had acquired from Mexico.<sup>6</sup>

The change from the common law doctrine of riparian water rights to the doctrine of appropriation of water for beneficial use came almost over night. It is claimed by some, however, that the doctrine of appropriation of waters is not a new doctrine. Some authorities contend that the new conditions in the arid regions brought about simply a modification of the common law rules to meet the changed conditions, and they proclaim the great blessings we enjoy in living under a system of laws that can change so readily to meet new conditions. Some contend that the new doctrine was recognized by Roman law; that Spain being an arid country had developed

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<sup>4</sup>Hildebrand, Ira P., *op. cit.*

<sup>5</sup>Although the states east of the Mississippi have adopted the common law doctrine of riparian water rights these laws differ greatly in details.

<sup>6</sup>A full discussion of riparian rights may be found in Kinney, C. S., *A Treatise on the Law of Irrigation and Water Rights*, Second Ed. 4 vols. Bender Moss Co., San Francisco, 1912; Long, J. R., *op. cit.*; Wiel, S. C., *Water Rights in the Western States*.

the fundamental principles of this doctrine, and that a form of the doctrine was recognized by Mexican law.<sup>7</sup> There is some basis for these contentions, but it is not probable that the miners flocking to California from all parts of the world in search of gold knew anything about these principles of ancient or foreign law.<sup>8</sup> It is far more likely that the pioneers acted according to the suggestions of plain common sense and adopted the universal principle that where the gifts of nature lie unclaimed he who has the best right is he who first appropriates them to his use.<sup>9</sup> The miners adopted this principle of first come first served or first in time first in right in acquiring their mining claims. They naturally adopted the same principle for the water which they needed in their mining operations. I think that it can be truly asserted that the doctrine of appropriation of waters for beneficial use is not a common law doctrine or even a modification of common law principles. It is a new doctrine established by the courts by judicial legislation to suit conditions for which neither legislation nor the common law made any provision.

This new doctrine had its origin in California soon after the first settlement of that state upon the discovery of gold in 1848. Its first application was in connection with mining operations, but it has since been extended to include water for irrigation and for other beneficial uses.

The miners began to arrive in California in the summer of 1849. The streams were all very low and many of them were dry. Placer mining was the only feasible method of obtaining gold under the existing circumstances. As the miners increased in numbers the demand for running water in the mining regions became very great. Rights to take water from the streams soon became valuable, and naturally disputes arose concerning such rights.

Since there was no established government in the California territory the miners had to frame and enforce their own rules and regulations. The miners came from all parts of the world but principally from eastern United States, and these men loved law and order. Mass meetings were held in each mining

<sup>7</sup>See *Clough vs. Wing*, 2 *Ariz.*, 371; 17 *Pac.*, 453. For an account of the Civil Law doctrine and Mexican law see *Lux vs. Haggin*, 69 *Cal.*

<sup>8</sup>*Long, op. cit.*, 129.

<sup>9</sup>*Ibid.*

district. District organizations were set up, and rules were adopted by which they agreed to be governed.<sup>10</sup> The essentials of these regulations were everywhere similar. The people selected their own sheriffs and recorders and adopted names for their mining camps. The rules they adopted covered a wide field of law but were devoted especially to property rights. The natural resources were regarded as free to all, and they adopted the familiar rule, first come first served.<sup>11</sup> The right to mine was first in importance and the rules adopted protected the first possessor of the mining ground. These rules form the basis of our mining laws today. All mining rights were determined upon the basis of "priority of discovery, location, and appropriation," and the same rules were applied to water and water rights, for water was absolutely essential to working the mines.<sup>12</sup>

It should be remembered that these rules were not drawn up by lawyers but grew up among the miners upon the public domain. The conditions these people faced were new. There seemed to be no owner of the land. It belonged to the United States, but the government had not even surveyed it and had no person in actual control of it. There was no known law to govern the rights of the persons desiring to extract the gold from the land and use the water for that purpose. There was no government, no law, no authority. The miners took charge of the situation, adopted rules to fit their needs, and decided all claims on the basis of these rules. Their rights were those of the possessor only, and such possession was the sole foundation and evidence of their title to the land they occupied, to the water they used in mining, and to the gold which they obtained thereby.<sup>13</sup> Although this territory was now American soil and federal property, "free mining, free soil, and free water, under self government, sprang up over night in which Congress had no part."<sup>14</sup>

The population of California grew very rapidly. More than 100,000 people went to California the first year after the discovery of gold. It soon became evident that a local

<sup>10</sup>There were about 500 districts in California about 1860; 200 in Nevada; 100 in Arizona, Idaho, and Oregon.

<sup>11</sup>Wiel, Samuel, C., *Water Rights in the Western States*, 3rd. Ed. 1911, 72.

<sup>12</sup>*Ibid.*, 73.

<sup>13</sup>189 Cal., 761.

<sup>14</sup>Wiel, *op. cit.*, 73.

government for the territory should be organized by authority of the federal government. General Bennett Riley was appointed provisional governor by the President of the United States. No territorial government was ever formed for California. It was not necessary, for by 1850 California had formed a local state government, the mining communities were organized into local governments, and she had several hundred thousand people.

On November 13, 1849, the people of California adopted a constitution which had been drawn up by a constitutional convention that had met in pursuance of a proclamation of Governor Riley. California was not admitted as a state into the Union until September 9, 1850, but the new state government organized under the constitution of 1849 did not wait for federal authority to assume control of governmental affairs.<sup>15</sup> On April 13, 1850, the California legislature enacted a law declaring that the common law of England, so far as it was in harmony with the federal and state constitutions, should be the rule of decision in the state.<sup>16</sup> Prior to the treaty with Mexico in 1848 property rights in California were governed by Mexican law. This was true even up to the adoption by the legislature of California of the common law of England in 1850.<sup>17</sup>

In 1851, the California legislature adopted the following statute, which illustrates how the customs of the pioneers were enacted into law:

"In actions respecting mining claims, proof shall be admitted of the customs, usages, or regulations established and in force at the bar or diggings embracing such claim; and such customs, usages or regulations when not in conflict with the constitution and laws of this state, shall govern the decision of the action."<sup>18</sup>

This statute was copied very early in most of the Western states. In this way, by customs established by themselves, and with the sanction of the state legislature when organized, the pioneers appropriated to themselves the mines and forests and waters and other things of the region.

<sup>15</sup>189 Cal., 782.

<sup>16</sup>*Ibid.*

<sup>17</sup>The first volume of the reports of California Supreme Court contains many decisions applying Mexican law to past transactions.

<sup>18</sup>Wiel, *op. cit.*, 74.



The following extract from the recently published diary of an old pioneer throws some light on how the water rights developed. Under date of October 19, 1850, the diary says:

"We got the ditch repaired and the water turned on the flat by Thursday and have been running off the top dirt. Its amazing the amount we move and it astonishes our neighbors. A lot of them are looking out for a sidehill diggings below us and will try the same process. Anderson says it will be a good idea to extend our ditch and sell water to the miners who might want to use it; but I don't see what right we have got to it more than anybody else. Anyway he has put a notice at the head of the ditch claiming all the water it will hold, and as there is no law in the case, he says he will make a law out of the precedent."<sup>19</sup>

The first case in which the doctrine of appropriation was urged upon the supreme court of California seems to have been the case of *Eddy vs. Simpson*, decided in 1853.<sup>20</sup> It was now necessary for the court to give legitimacy in some way to the rules and regulations which had been adopted by the miners and were firmly established throughout the population then existing in the state. This case is interesting because it foreshadows the doctrine which afterwards became the rule of the court, that prior possession of water on public land gives the exclusive right to its use. It also shows the difficulties the court met in adjusting itself to new conditions arising out of the occupation by the pioneers of the great open public domain. The court was called upon to answer two important questions in this case: first, what is the relation of these new rules to the common law which had been adopted by the statute of April 13, 1850; and second, what is the relation of the appropriators to the United States government? All the land belonged to the federal government, and so did the water in the various streams and lakes, the forests, and the minerals. The people had appropriated the lands and the water without authority from the federal government. What could the court do since the Act admitting California as a state prevented the state from interfering with the primary disposal of the lands within its limits? The first was a question of local law, the second a question of federal public law.

The court was not yet ready to declare itself on either of these two questions; it was not yet ready to declare the

<sup>19</sup>*Ibid.*

<sup>20</sup>3 Cal., 249.

customs of the miners lawful. The trial judge did adopt them as the basis of his charge, but the supreme court said: "The rule laid down by the court below, while it is a departure from all the rules governing this description of property, would be impracticable in its operation, and we think it much safer to adhere to known principles and well settled law, so far as they can be made applicable, to the novel questions growing out of the peculiar enterprises in which many of the people of this state are embarked."<sup>21</sup>

In the next case before the court, *Irwin vs. Phillips*,<sup>22</sup> decided in 1855, the principle of exclusive right by prior appropriation of water on the public lands was fully recognized and accepted. The court in this case recognized the broad doctrine that the right to the unlimited use of the waters of running streams was vested in the first appropriator, whether a riparian proprietor or not, with the correlative right to divert and use it to any extent; and that subsequent locators even on the banks of the streams could only acquire the use of the water for any purpose subservient and subordinate to the rights of the appropriators.

The doctrine in *Irwin vs. Phillips* was followed in the subsequent cases of *Tartar vs. Spring Creek Water and Mining Company*,<sup>23</sup> *Hill vs. Newman*,<sup>24</sup> *Conger vs. Weaver*,<sup>25</sup> and many other cases. There never was any doubt in the mind of the court about the true position to be taken, but it is almost amusing to read their statements as to whether the principle announced was in consonance with the common law or a departure from it because of the conditions and the necessities of the case. In one case the court would say that they did not depart from the common law but found principles therein sufficient to sustain their holdings. In another, the doctrine would be announced that the common law was inapplicable and that the reasons of that law did not exist in California. After a number of years the Supreme Court of California recognized that the doctrine of appropriation of waters was a distinct departure from the common law of waters.<sup>26</sup>

<sup>21</sup>Wiel, *op. cit.*, 77.

<sup>22</sup>5 Cal., 140.

<sup>23</sup>5 Cal. 393.

<sup>24</sup>5 Cal. 445.

<sup>25</sup>6 Cal. 548.

<sup>26</sup>Clayberg, John B., "The Genesis and Development of the Law of Waters in the West," *Michigan Law Review*, Vol. I.



In 1866, by act of Congress, the new system was expressly recognized in the following language:

"Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local custom laws, and the decisions of courts, the possessors and owners of such vested rights, shall be maintained in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage."<sup>27</sup>

Prior to this Act the people who had settled on public lands in the arid regions of the Western states were mere trespassers; they had no title to their lands nor to the water rights they claimed. Yet the courts in California without any law or authority upon which to base their actions except "the manifest equities of the case," went ahead upholding and sustaining the possessory system. It is by the merest stroke of good fortune or rather through the sense of fairness and justice of the American people through their Congress, that these possessory titles were ratified and confirmed by Congress, and thereby an absolute title was vested in such possessors.<sup>28</sup>

The possessory system soon spread over the entire West. Immigrants kept pouring in from everywhere; some who had started for the California gold fields but had stopped before reaching them; some who had left the California gold fields in search of new ones; and some who had given up gold hunting in California and had turned to farming and other pursuits in California and other western valleys. They took possession of the public lands, mines, water, and timber wherever they located. They adopted the rules of the miners in regard to all these free goods.

The miners objected at first to the use of water for other industries. They insisted that water for mining purposes was paramount to any other use. The courts at first favored the miners. They, as well as the miners, however, soon realized that other industries were necessary to make mining successful and economical. For example, the miners often had to trans-

<sup>27</sup>Act of July 26, 1866, c. 262, Sec. 9, 14 Stat. 253.

<sup>28</sup>Kinney, C. S., *Irrigation and Water Rights*, 2nd Ed. Vol. 1, 1052 ff.

port water to their mines by means of ditches over long distances. They frequently came upon places through which the ditch could not be easily excavated and a flume was required in order to surmount the impediment. The flumes had to be constructed of lumber. The time of the miner was valuable. Since he did not have time to saw the lumber by hand to make his flumes, sawmills were established. The miners soon realized that the sawmills should be operated as economically as possible so that he could get lumber to make his flumes at reasonable prices. Power was necessary to turn the machinery in the sawmill, and water power was the cheapest to be had. The miner had to yield to the sawmill operator the right to take water from the streams to turn his machinery.

The farmer next demanded water for his crops. The miner yielded because food was necessary for his existence. Thus gradually the principles have been extended to cover other uses for which water is necessary.<sup>29</sup>

Congress strengthened the Act of 1866 by the supplementary Act of July 9, 1870, by these words:

"All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section."<sup>30</sup>

Since the passage of the act of 1870 it has been repeatedly held by the courts that one who acquires title to public land takes it subject to any vested rights to water and ditches thereon. In such cases the rights of the appropriator prevail over those of the subsequent grantee or settler.<sup>31</sup> It has been the practice of the government for many years in issuing patents for the public lands to insert a clause in the patent expressly protecting and reserving or excepting existing water and ditch rights.<sup>32</sup>

The story thus far has been confined to the doctrine of appropriation on the public lands of the United States, and

<sup>29</sup>*Michigan Law Review*, *op. cit.*, 96.

<sup>30</sup>Act of July 9, 1870, c. 235, sec. 17, 16 *Stat.* 218. For a full description of the Act of 1866 see *Wiel*, *op. cit.* Vol. 1, 92-117.

<sup>31</sup>In respect to this particular proposition the California and the Colorado doctrines are the same. See *Long*, *op. cit.*, 153.

<sup>32</sup>*Long*, *op. cit.*, 154.

here we come to a dividing point upon which the states in the arid region do not agree. In California the doctrine of appropriation does not extend to the waters of streams on private land except as provided in the act of 1866.<sup>33</sup>

Ten states have followed the example of California and have adopted the doctrine of appropriation of waters for streams on public lands and the common law doctrine of riparian rights for waters on private lands. Since these principles were first invoked or worked out in California, they are called the California doctrine. This doctrine is in force in the following states: California, Kansas, Montana,<sup>34</sup> North Dakota, Oklahoma, South Dakota, Washington, and partially in Nebraska, Oregon, and Texas.<sup>35</sup>

Eleven states have followed the leadership of Colorado and have established the "Colorado Doctrine," which rejects the common law doctrine of riparian rights altogether. The Colorado doctrine is in force in the following states: Arizona, Colorado, Idaho, New Mexico, Nevada, Utah, Wyoming, and partially in Nebraska, Oregon, and Texas.<sup>36</sup>

If the doctrine of riparian rights had been strictly followed and enforced in California and the other Western states following her leadership, it is obvious that none of the waters of streams passing through lands in private ownership, could have been used on non-riparian lands. Fortunately these laws have not been strictly enforced and other measures have been adopted and used to secure a very general use of water on non-riparian land. The most important and effective method of gaining the right to use water on these lands is known as "prescription." Accordingly, it has been possible for persons who do not own land on a stream to obtain access to the waters of streams by purchasing the right to do so from the owner of any parcel of riparian land. As a net result the irrigated land in California is almost all non-riparian, and the existence of the riparian right has not prevented the beneficial use of the greater part of the waters of the streams.

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<sup>33</sup>*Lux vs. Haggin*, 69 Cal. See also Civil Code of Cal. 1872, Part IV, Title VIII.

<sup>34</sup>The Colorado doctrine is the rule in Montana despite the opinions to the contrary expressed by commentators and legal authors. *Mettler vs. Ames Realty Co.* 201 Pac. 702. 61 Mont. 152.

<sup>35</sup>Wiel, *op. cit.*, 137-8.

<sup>36</sup>*Ibid.*, 141.

The states following the Colorado doctrine are more arid than those following the California doctrine. As the population of the more arid regions of the West increases, the demand for water will grow, and new rules and regulations will have to be developed to meet these needs, just as the miners of 1849 had to depart from the known principles of the common law and form new rules and regulations to suit their needs.

## THE CONSUMER CREDIT PROBLEM

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Most consumers want to pay their bills. This fact makes general consumer credit feasible. A certain number of consumers cannot or will not pay their bills on time or at all. It is this situation which makes *unselected* credit an expensive and even impracticable proposition.

The disadvantages of a credit business may be summed up in one word, *expense*. The problem of the relative desirability of a cash or credit business may be reduced to a calculation of the relative cost and income items. Will the anticipated increase in volume make up for the increased loss? How much consideration should be given to certain intangibles such as customer habit? How much consideration ought to be given to temporary competitive situations?

From the point of view of the merchant, four advantages may be enumerated on behalf of doing a credit business:<sup>1</sup>

1. It is expected by many customers.
2. It tends to make customer buying easier.
3. It tends to increase sales volume.
4. It binds the customer to the store.

The importance of these advantages varies with the local situation. The type of store, the goods offered for sale, the past policy of the store, the policies of competitors, the local state of business, and the eventual goals of the management are all items worthy of consideration.

The problem is aggravated by certain fundamental differences as between consumer credit and its counterparts in other business fields. Some of these differences may be summarized as follows:

1. The relative lack of familiarity of consumers, as a group, with business practices and procedure.
2. The relative lack of training of many consumers in personal finance and budget-making.
3. The existence of competitive practices in retailing, including over-selling and over-emphasis on volume specific.

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<sup>1</sup>Barker & Anderson, *Principles of Retailing*, McGraw-Hill, 1935, p. 389.



4. Dominance of emotional factors in much retail buying.

5. Inadequate data on honesty, both statistical and

Those interested in the marketing structure of the United States have long noted the high percentage of consumer goods which are purchased by women, a percentage running in many cases to 75 per cent or more.<sup>2</sup>

It is probably still a sound generalization that women, fundamentally interested in the economic structure as consumers, are not well-grounded in the techniques by which the other half lives. It must be pointed out also that many American laborers and many individuals in the professional classes will be found lacking any accurate conception of business costs and operations.

It is also a curious fact that some persons who handle their own business affairs with ability and profit, as far as the particular job or position may be concerned, seem to keep their personal finance and budget-making in a logic-tight compartment. The apparent lack of sympathy of many customers with the difficulties of the retailer may be traced to the Chinese Wall the former have erected between the operation of their own businesses and their personal or consumptive financial relations.

The present concern of merchant associations with over-selling, through the use of the installment plan, illustrates one aspect of the third point. It is tied in with certain wage practices in retail stores and with the curious insistence on volume as the prime criterion of business success, as is true of some merchants. It is hardly an exaggeration to state that there are a few retail store operators who would rather sell one hundred thousand articles, and lose ten cents on each one, then sell ten thousand articles, and make ten cents on each one. This attitude probably reflects a misinterpretation of the benefits of large-scale operation, and without question is due partially to lack of proper accounting data. Many merchants, too, noting the vigorous competitive practices of those who over-emphasize volume, feel that defensive action of a similar nature is forced upon them. To put it succinctly, however, it may be inquired, "What does it profit a merchant to sell to the whole community, and lose his own shirt?"

<sup>2</sup>As in the case of drug stores, department stores, and grocery stores. Also in the purchase of electric supplies, jewelry, and silks.

Vaile & Slagsvold, *Market Organization*, Ronald Press, 1929, p. 120.



Even casual inspection of national consumer advertising will likely convince an observer that an enormous industry, that of advertising, is built upon the dominance of emotional factors in the consumer buying of the general public. Subject to change and reaction, it is evident that the consumer mind must be over-persuaded frequently by those eager to sell. Besides, the principle of time preference comes in, especially with those less well acquainted than others with business methods in general, and with the limitations of credit in particular.

Once in a while one hears the statement made that, "Less than 2 per cent of the American people are dishonest." An immediate question arises, of course, as to the meaning of "dishonest." Even if the general truth of the assertion be granted, it still does not follow, as some have believed, that the retailer is not only safe but efficient in relying on a law of average to sustain his credit business on a profitable level.

In the first place, it must be considered that that part of the general consuming public which is interested in more or less deliberate fraud is going to center its attention on the indiscriminate credit-extender. Hence, in the case of any particular dealer, the individual share of both slow and "dead-beat" transactions may mount alarmingly. Again, it must be held in mind that an outright loss of 2 per cent of sales volume, or any proportionately lesser amount, will not represent a like diminution in profits. A normal profit must be earned on several, perhaps on many, units to replace only the loss on the unit for which payment is received slowly, in part, or not at all. The loss, of course, is compounded of economic deterioration of goods, loss of interest on capital invested in overhead, collection costs, and other tangible and intangible items.

It may be pointed out that the consumer class, as a whole, may expect to profit from a more efficient selection of risks on the part of the merchant. The granting of credit means, after all, that the retail merchant agrees to loan capital to individuals for a long or short time, and frequently without other security than a vague open account arrangement. It also means that if credit-extending retailers are to remain in business they must, as a group, somewhere recoup any unfortunate experience with the minority at the expense of the majority. The average customer, honest and capable of meeting his obligations, may therefore feel that the efforts

of those agencies which attempt to improve the practice of retail credit extension, by proper selection of risks, are exercised not only on behalf of their merchant owners or patrons, but also on his behalf. If credit agencies, for example, can efficiently catalog virtually all of the buying public in a given area, and offer data impartially and efficiently to retail merchants, credit losses and expenses should be materially reduced, and the new situation should redound to the benefit of the general consuming public.

## THE NATURAL LAND TYPE IN LAND-USE PLANNING

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Classification of the material with which a science deals is requisite to the development of any science. To this general rule the science of land-use planning is no exception.

Land classification is by no means new. Ancient historical records contain many notes on land classification of a sort, which met the particular needs of the moment. Note, for example, the classic report of the scouts sent out by Moses to view and report on the character of the "promised land." "And see the land, what it is; and the people that dwelleth therein . . . And what the land is that they dwell in, whether it be good or bad . . . whether it be fat or lean, whether there be wood therein or not . . . And they returned from searching the land after forty days . . . And they told him, and said, we came into the land whither thou sent us and surely it floweth with milk and honey, and here is the fruit thereof." (Numbers 13: 17-27).

A "milk-and-honey" classification of land such as this of the ancient Hebrews, while no doubt adequate for needs of that time, would not meet the present demand for a more precise classification.

The present wave of interest in land-use planning has brought in a multitude of suggestions, proposals and methods of land classification. Of all these, one of the most promising from the standpoint of usefulness, is that involving the natural land type as the unit, and it is with this unit and method of its use that this paper is concerned.

Barnes<sup>1</sup> has simply and broadly defined a land type by the statement: "A land type consists of all the land possessed of a given set of characteristics." For the present discussion a natural land type is to be considered as a body of land having such physical, chemical, or biological characteristics, natural or induced, as either to make it primarily best adapted to a given use or uses, or to delimit a condition or set of conditions.

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<sup>1</sup>Barnes, C. P., *Land Classification*, Land Use Planning Publication No. 1, Land Utilization Division, Resettlement Admin., Washington, D. C., 1936.

In its simplest form a land type may be identical with a soil type or a phase of a soil type. It may comprise two or more soil types or phases of them. It may even cut across soil types. As Schoenmann<sup>2</sup> has pointed out, there is "need for recognizing a unit of land character that is broader than the soil type, more restricted than the soil group and capable of areal delineation." A good soil survey forms an excellent basis for a land type classification.

One of the best features of the land-type concept is its flexibility. Thus, a land type may be set up for any set of factors which can be clearly defined. However, only those types can be mapped which can be clearly differentiated in the field. This point needs elaboration. It is generally recognized, for example, that the speculation in, and leasing of, land in an oil-producing region are very real and important factors affecting the character, value, and agricultural use of land. But while these are real factors they are in most cases intangible, incapable of differentiation, and therefore not mappable in the field. On the other hand, land physically injured by crude oil and salt water can be mapped.

It may be noted, also, that certain differentiations are possible which may not be practicable. For example, it is possible to map land according to its content of phosphorus by taking numerous soil samples and having these analyzed in the laboratory, but this is a time-consuming, expensive procedure, which would not be practicable except under special circumstances or as incidental to other work.

The rate at which land-type mapping can be done will depend on several factors, chief of which are the number of categories, homogeneity of the area, visibility, character of roads, and detail desired. For areas in which land-use planning studies are being made or contemplated our field work has progressed at the rate of 25-30 square miles per day for each technical man working. With a good soil type map to use as a basis, the time required for field work can be reduced considerably. This gives what we are designating, for the lack of a better term, a detailed reconnaissance survey. We consider a map so made to be in sufficient detail to permit

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<sup>2</sup>Schoenmann, L. R., "Essential Elements in Land Classification," unpublished paper read before Joint Session of the American Soil Survey Association and American Society of Agronomy, Washington, D. C., November 10, 1936.

the formulation of a program of land use or remedial action in an area as large or larger than the average county. The scale of one inch to the mile is usually followed in such mapping. For land use and remedial action plans on small areas, such as individual farms, the scale should be much larger, possibly 8 inches to the mile.

The first step in land-type classification is the setting up of suitable categories. Careful study and thought in the formulation of the classes to meet the specific conditions of the area and objectives of the classification are quite necessary. All available literature and data bearing on the conditions and problems of the area, such as soil survey reports, census data, experiment station publications, and local history should be assembled and studied. County agricultural agents and others having local information should be interviewed. A rapid preliminary inspection of the area should be made. Then the categories may be set up with considerable assurance that they will serve the purpose of the classification.

Details of the categories need not, and seldom will be the same for any two areas. It is obvious that differences in conditions, problems, and objectives will call for different details of classification. However, it is desirable to make the classification of different areas follow a broad outline. In our work at present we are using four main categories, which are:

- A. Arable; recommended for crop production in present condition.
- B. Arable; recommended for crop production after remedial action.
- C. Non-arable; recommended for permanent pasture and/or woodland.
- N. Non-agricultural; recommended for or occupied by non-agricultural uses, including urban, industrial, and recreational purposes, highways, etc.

These groups are subdivided into classes to meet the special conditions and objectives. At present most of our classifications include 10 to 15 classes. A detailed classification is illustrated by the attached outline for Falls County, Texas. The adherence to a uniform gross outline as above makes it possible to blend together into a unified map the individual maps of isolated areas.

To summarize, the natural land type is one of the most promising units of land classification now in use. It is more comprehensive than the soil type, more restricted than the



soil group, and capable of areal delineation. Its flexibility and adaptability make it especially useful in land-use planning.

## FALLS COUNTY, TEXAS

### LAND TYPES

- A. Arable; recommended for crop production in present condition.
  1. Best upland and terrace prairie heavy soils; topography level to undulating, slopes less than 3 per cent; erosion negligible; drainage good. Adapted to cotton, corn, oats, grain sorghums. Soil types included: Houston black clay; Houston black clay, flat phase; Houston black clay, gravelly phase; Houston clay; Houston clay, colluvial phase; Bell clay; Lewisville clay; Wilson clay; Wilson clay loam; Irving clay loam.
  2. Same as 1 except sandy, adapted to fruits, vegetables, cotton, corn. Soil types included: Crockett fine sandy loam; Falls fine sandy loam; Irving fine sandy loam; Wilson fine sandy loam; Milan fine sandy loam.
  3. Best bottom land, not seriously affected by overflow, adapted to cotton and corn. Soil types included: Miller clay; Yahola clay; Yahola fine sandy loam; Trinity clay; Pledger clay; Catalpa clay; Catalpa clay loam; Ochlockonee fine sandy loam.
- B. Arable; recommended for crop production, but remedial action is necessary. Crop adaptations same as A group.
  4. Upland and terrace prairie heavy soils with slopes 3 per cent to 7 per cent. Soil types same as A1 and Crockett clay loam and Irving clay loam, shallow phase.
  5. Sandy land slopes 3 per cent to 5 per cent and slopes less than 3 per cent, but lower productivity than A2. Soil types same as A2, and Leaf fine sandy loam, Tabor fine sandy loam, Susquehanna fine sandy loam.
  6. Bottom land; soils well drained and productive, but subject to overflow hazard. Soil types same as A3.
- C. Non-arable, recommended for permanent pasture and/or woodland.
  7. Rolling to hilly prairie land, with slopes greater than 7 per cent. Soil types the same as B4, and Houston clay, shallow phase, Houston clay gray phase, Sumter clay, chalk.
  8. Sandy land, slopes over 5 per cent. Soil types same as B5, and Riesel fine sandy loam.
  9. Deep sands.
  10. Undifferentiated bottom lands, poorly drained and/or sanded and/or rough. Same soil types as A3 and river wash.
- N. Non-Agricultural.
  11. Land now used for urban and recreation purposes.

## POPULATION CHARACTERISTICS ASSOCIATED WITH RELIEF INTENSITY

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In order to test the accuracy of the common belief that there is a close association between the intensity of relief throughout continental United States and the population characteristics of the various states, selected measures of economic status, intelligence, education, illiteracy, the distribution of prominent persons, the distribution of defective groups, communication agencies, religious membership, urbanization, and degree of excess of births over deaths have been compared with data on intensity of relief for the period July, 1933, to June, 1935.<sup>1</sup>

*Wealth:* High economic status, as measured by federal income tax returns, was inversely related to relief intensity. There was a slight correlation between high federal income tax per capita, high percentage of population filing federal income tax returns, high per capita deductions from gross income on federal income tax returns, and high net income per capita as determined from federal income tax returns,—all for 1931,—and low intensity of relief July, 1933, to June, 1935.<sup>2</sup> None of these proved to be reliable conclusions, the coefficients being  $.32 \pm .09$ ,  $.28 \pm .09$ ,  $.25 \pm .09$ , and  $.30 \pm .09$ , respectively.<sup>3</sup> High savings bank balance per family in 1935 was correlated more closely with low relief intensity than any of the above and was statistically reliable ( $.34 \pm .08$ ).<sup>4</sup>

High 1932 per capita tax levies for state, county, and minor civil divisions,<sup>5</sup> on the other hand, gave no indication of low relief intensity rates, as the correlation coefficient was

<sup>1</sup>Relief intensity data from Works Progress Administration, Research Bulletin Series I, No. 18.

<sup>2</sup>Income tax data were taken from *Statistical Abstract of the U. S.*, 1934.

<sup>3</sup>Spearman Rank—Difference Method. Only those correlation coefficients which are at least four times their probable error are considered to be statistically reliable.

<sup>4</sup>Data from "Savings Deposits and Depositors in Banks and Trust Companies of the United States, for the years 1930 and 1935," Am. Bankers Association, 1936.

<sup>5</sup>Data from *Statistical Abstract of the U. S.*, 1935.

only  $.05 \pm .10$ . In some states low taxes were associated with low relief rates, for example, in Virginia (\$17.83 per capita for taxes, and 5.9 per cent in relief intensity), while in others rank of per capita taxes and relief intensity were definitely opposed, for example, in Nevada (\$67.15, and 8.1 per cent). Cases of agreement and disagreement in the rank of a state in both measures occurred with about the same frequency.

On the whole, superior wealth in a state accompanied low incidence of relief, although there were many exceptional states. A correlation coefficient of  $.21 \pm .09$  expressed the relationship between relief intensity and a composite index of twenty-six measures of wealth.<sup>6</sup>

*Intellectual Status:* There was a slight tendency for high relief intensity to be associated with low average intellectual status of the white army draft population in 1918.<sup>7</sup> The association was only slight and was statistically unreliable ( $.18 \pm .09$ ), but it offers some support for what is widely believed about the relief population, namely, that it is intellectually inferior to the non-relief population. The states that, more than any others, were opposed to the expected correlation between high relief intensity and low average intellectual status included Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, and Pennsylvania, each of which has large urban centers and is highly industrialized.

A somewhat smaller correlation existed between the large number of mental defectives and epileptics per 100,000 estimated population in institutions January 1, 1933,<sup>8</sup> and low intensity of relief ( $.13 \pm .09$ ). The tendency to association between both high average intelligence and high ratio of population in the mentally defective classes and low relief intensity is largely explained by the difference in efficiency of institutionalization, rather than by the difference in the proportion of the population needing institutionalization. If this explanation is not adequate to cover all cases, it may still be argued that the two correlations are explained by the fact that the average intelligence of the population of a state is not fairly indicative of the percentage of its population that is mentally defective.

<sup>6</sup>Angoff, Charles and Mencken, H. L., "The Worst American State," *The American Mercury*, vol. 24 (1931), p. 8.

<sup>7</sup>Bagley, W. C., *Determinism in Education*, Baltimore, 1925, p. 167.

<sup>8</sup>Data from *Mental Defectives and Epileptics in Institutions*, 1933.

*Education:* In the school year 1933-34 the states with the highest proportion of total population enrolled in elementary schools<sup>9</sup> tended also to be those states with the highest intensity of relief. The correlation coefficient was  $.30 \pm .09$ . However, relief clients do not have as much education, on the average, as persons of the same age not on relief, which means that it was the proportion of children in the population, in a country with compulsory elementary education, that accounted for the above correlations. Some evidence of this is the fact that the high percentage of population enrolled in secondary schools<sup>10</sup> was correlated much less closely with high relief intensity than the percentage in elementary schools ( $.02 \pm .10$ ). Further evidence is the coefficient of only  $.09 \pm .09$  between a high percentage of the total population 5 to 17 years of age enrolled in public elementary and secondary schools<sup>11</sup> and high relief intensity.

Other evidence indicates that intensity of relief bears no significant relationship to measures of education. High average salary of teachers, supervisors, and principals in 1932<sup>12</sup> and high cost of public elementary and secondary schools per capita of the 1932 population 5 to 17 years of age<sup>13</sup> were not significantly related to high relief intensity ( $-.03 \pm .10$  and  $-.08 \pm .09$ ).

*Illiteracy:* The distribution of illiteracy seems to bear no significant relationship to the intensity of relief when comparisons are made on a state basis. High percentage of illiteracy in rural areas in 1930 was correlated  $.04 \pm .10$  with high intensity of relief, compared with  $-.10 \pm .09$  for high percentage of illiteracy in urban areas.<sup>14</sup>

These results are opposed to the common belief that illiteracy in a relatively literate population is a definite obstacle to employment and a contributing factor to relief status. The absence of a significant correlation and the difference between the coefficient based on urban and rural

<sup>9</sup>Education data from "Preliminary Statistics of State School Systems" 1933-34, Circular No. 151 of Office of Education, p. 2. Population data from *Statistical Abstract of The United States*, 1935.

<sup>10</sup>*Ibid.*

<sup>11</sup>Data from *Statistical Abstract of The United States*, 1935.

<sup>12</sup>*op. cit.*

<sup>13</sup>*op. cit.*

<sup>14</sup>Illiteracy data from *Fifteenth Census of The United States*, 1930.

illiteracy data may be explained by the fact that relief status was relatively non-selective with regard to literacy. Other explanations are the drouth factor in such extremely literate states as the Dakotas, Utah, and Montana, and the low intensity of relief in such highly illiterate Southern states as Virginia, North Carolina, and Georgia.

*Nationally Prominent Residents:* The distribution of low intensity of relief and of a large number of natives listed in *Who's Who in America*, 1930-31 per 100,000 population,<sup>15</sup> were fairly similar, the coefficient of correlation being  $.50 \pm .07$ . The New England states offered more support to the conclusion than any other group of states. Such North Central states as Illinois, Kansas, Michigan, Nebraska, Wisconsin, and Ohio were contrary to the general trend, as were Oregon, California, Wyoming, and a few of the Southern states.

*Defective Groups:* The distribution of a high proportion of institutionalized mental defectives has already been shown to be slightly related to low relief intensity ( $.13 \pm .09$ ). The correlation between a large number of blind persons per 100,000 population in 1930<sup>16</sup> and low relief intensity was similar ( $.09 \pm .09$ ), and can be interpreted to mean that incidence of blindness is not an index of intensity of relief. The blind population of many states is cared for in institutions, and therefore blind persons constitute a very small proportion of persons on relief rolls.

The distribution of deaf-mutes by states differed considerably from that of mental defectives and the blind. High relief intensity tended to be associated with a large number of deaf-mutes per 100,000 population in 1930<sup>17</sup> ( $.16 \pm .09$ ). In spite of the correlation, however, which was probably due to chance, it seems likely that the proportion of defectives of various sorts in a state is not a reliable indication of the relief intensity in that state.

*Health:* Physical and mental health tended to be indicative of relief intensity. A composite index, consisting of eleven measurements of superior health for the period 1928-1930,<sup>18</sup> was positively associated with low relief intensity from 1933

<sup>15</sup>Angoff and Mencken, *op. cit.*, p. 14.

<sup>16</sup>*Statistical Abstract of The United States*, 1935.

<sup>17</sup>*op. cit.*

<sup>18</sup>Angoff, and Mencken, *op. cit.*, p. 187f.



to 1935 ( $.23 \pm .09$ ). It thus appears likely that the relief population has been adversely affected by bad health and that bad health may have been a contributing factor to need for relief.

The association between a large number of patients in hospitals for mental disease, January 1, 1933, per 100,000 estimated population<sup>19</sup> and low relief intensity was even closer than that for health in general, and statistically reliable ( $.35 \pm .08$ ). As in the comparison between relief intensity and proportion of institutionalized mental defectives to the general population, no causal relationship was to be inferred from this correlation. The withdrawing of the mentally diseased population from the population that might conceivably appear on the relief rolls helped somewhat to hold down relief intensity. Also, proportional efficiency of institutionalization of the mentally diseased seemed to be associated with low relief intensity in several states, including Connecticut, Delaware, Nevada, New Hampshire, Pennsylvania, Rhode Island, and Utah.

*Prisoners in Institutions:* There was no significant relationship between the number of prisoners in county and municipal institutions and state prisons from each state and the relief intensity in that state. The coefficient of correlation was  $.04 \pm .10$  for a large number of prisoners, January 1, 1933 per 100,000 population<sup>20</sup> and low intensity of relief.

*Rate of Natural Increase:* High relief intensity was slightly correlated with high excess of births over deaths per 1,000 population,<sup>21</sup> 1933, ( $.41 \pm .08$ ). This is to be expected in view of the well-known fact that children and youth are overrepresented on relief rolls, that the average size of the relief family is greater than that of families not on relief, and that the birth rate of relief clients is higher than that of the total population. States contributing most to this correlation were Kentucky, Delaware, Kansas, Maryland, Minnesota, New Hampshire, Texas, Rhode Island, and Wisconsin. States most opposed to the correlation were Wyoming, Virginia, North

<sup>19</sup>Data from *Patients in Hospitals for Mental Disease, 1933*.

<sup>20</sup>Data from *Prisoners in State and Federal Prisons and Reformatories, 1933, and County & City Jails; Prisoners in Jails and Other Penal Institutions under County or Municipal Jurisdiction; Combined*.

<sup>21</sup>*Statistical Abstract of The United States, 1935*.

Carolina, and Georgia, with low intensity of relief and high rate of natural increase, and Florida and New York with low rate of natural increase and high relief intensity.

*Percentage of Urban Populations:* On account of the publicity given to bread lines, to the areas where the unemployed and homeless men gather, and to the fact that the case load in large cities has remained consistently large, it might be expected that a high percentage of urban population would be correlated with a high relief intensity. However, when 1930 percentages of urban population<sup>22</sup> were used, a high proportion of urban population proved to be more closely associated with low than with high relief intensity ( $.18 \pm .09$ ). The main drouth states, North and South Dakota; the New England states of New Hampshire, Connecticut, and Rhode Island; and New Mexico, West Virginia, and South Carolina contributed most to the correlation.

*Rainfall:* The drouth during the period of federal relief has had a serious effect upon many states, and contributed directly to relief rolls in the form of drouth relief cases. However, the entire country did not have a shortage of rainfall and high relief intensity, and consequently was not very closely correlated with low average percentage of normal rainfall, 1933-1935,<sup>23</sup> ( $.35 \pm .08$ ). South Dakota, North Dakota, Utah, Colorado, and Montana combined very small rainfall with high relief rates over the three year period, while Connecticut, Delaware, Maine, Maryland, New Hampshire, Rhode Island, Vermont, and Virginia combined low relief with plentiful rainfall.

The shortage of rainfall was not consistently related to relief intensity, however. Kansas, Nebraska, Wyoming, Minnesota, Idaho, and Nevada had sub-normal rainfall and yet had relatively low relief loads. In these states other factors helped to cancel the effect of drouth, which indicates that in states where drouth was associated with high relief intensity and where excess of rainfall was associated with low relief other factors than rainfall were largely responsible for relief rates.

<sup>22</sup>Data from the *Fifteenth Census of the United States, 1930*.

<sup>23</sup>Rainfall statistics taken from United States Department of Agriculture, Weather Bureau, *Climatological Data for the U. S.*, vols. 20, 21, 22, (1933, 1934, 1935).

*Communication Agencies:* Circulation of a total of twenty nationally distributed popular and general magazines, and the distribution of telephones were slightly correlated with relief intensity. According to expectation, the states with highest per capita means of communication tended to be those with lowest relief rates, although the correlations were generally slight and undependable. The correlation between high average number of persons per magazine circulated during the six months ending June 30, 1935,<sup>24</sup> and high relief intensity was  $.19 \pm .09$ . The correlation between a high number of telephones per 1,000 population, 1932,<sup>25</sup> and low relief intensity was  $.28 \pm .09$ .

Similarly, the larger the number of persons in a state per Sunday newspaper circulated during the six months period ending March 31, 1935,<sup>26</sup> the higher was the relief intensity ( $.09 \pm .09$ ).

*Religious Distribution:* It is of some interest to observe the association between religious affiliation and relief intensity, although religious affiliation measured in a crude manner sheds no light on the causes of relief intensity. There was practically no association between high percentage of all persons who were Catholics in 1926<sup>27</sup> and low relief intensity ( $.08 \pm .09$ ). The correlations were closer for high percentage of Jews and Episcopalians in 1926 in the population<sup>28</sup> and low intensity of relief ( $.31 \pm .09$  and  $.35 \pm .08$ ). States supporting the correlation for Jews included Connecticut and Rhode Island with relatively high percentage of Jewish population and low relief, and Arizona, New Mexico, North and South Dakota, Oklahoma, and West Virginia where the extremely high relief rates were associated with less than one half of one per cent of Jews in the total population. States supporting the correlation for Episcopalians included such Eastern states as Connecticut, Delaware, Maryland, New Hampshire, Vermont, and Rhode Island, together with Nevada and Wyoming, where relatively high proportions of Episcopalians in the total population were associated with low relief

<sup>24</sup>Data from Smith, Mapheus, "Circulation of National Magazine, 1935" *School and Society*, vol. 44, (1936), pp. 144-146.

<sup>25</sup>Data from *Statistical Abstract of the U. S.*, 1934.

<sup>26</sup>Data from *Standard Rate & Data Service*, Feb., 1936. Newspaper Sec.

<sup>27</sup>Data from *Religious Census of the United States*, 1926.

<sup>28</sup>*Ibid.*

intensity rates; and Arkansas, Kentucky, New Mexico, North Dakota, Oklahoma, and West Virginia where high relief rates were accompanied by less than one per cent of all persons who were Episcopalians.

The highly selective character of the Episcopalian group with a high proportion of persons in the upper social and economic classes, and the financially self-dependent, closely knit community life of the Jews helps to account for the low relief intensity in states with large proportions of these two groups. Catholics, being a much larger group, and containing much more definitely a cross-section of the population than the other two groups, probably were more representative of the general population.

The outstanding result of these various studies of relationship is the failure to find any characteristic closely associated with relief intensity. Only a few items revealed any association that cannot be explained by factors of statistical unreliability of data. These include the association between low relief intensity and high savings bank balance per family, and between the same measure and a large number of prominent people per 100,000 population, a large number of patients in hospitals for mental disease per 100,000 population, and a high percentage of Episcopalians in the population according to the religious census of 1926. A fourth reliable relationship was found between high relief intensity and a high rate of natural increase. The second of these, which yielded a coefficient of only .50 was the closest relationship found, and even such a figure is considered by most statisticians to have little or no predictive value for specific items (in this study areas of the country).

It is certainly surprising to find so little correlation between relief intensity and economic conditions. And it no doubt will be surprising to some writers to find no appreciable correlation between intellectual status and relief intensity. Undoubtedly most of the explanation is to be found in the pervasive nature of the depression which struck at all classes, shaking off the economic ladder many whose hold was least secure and forcing them down to lower levels or all the way to the bottom. Representatives of all occupational classes were thrown on relief. Farm, village, small town, and city dwellers were victims. And the "worst American states" were no more

badly stricken than many of their more advanced sister states. The near collapse of many large cities hampered many wealthy states, while some of the rural states were able to fall back to a certain extent upon agriculture and to relieve grievous relief needs without obtaining relief grants in proportion to those obtained by states that superficially seemed to be more economically secure.



## LOUISIANA AND WEST FLORIDA: A FEW NOTES

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### 1

A new bit of historical evidence may be noted concerning the hypothesis that Louisiana was delimited by a secret Franco-Spanish treaty of 1762, by which, according to the story, the Mississippi and Rio Grande were designated as boundaries.<sup>1</sup> Talleyrand wrote to General Turreau on April 26, 1805: "The western boundary of Louisiana ceded to the United States was determined by the convention of 1762, which at that time caused that territory to pass to Spain."<sup>2</sup> The Chief of Archives of the French Ministry of Foreign Affairs provides the following curious information regarding that part of Talleyrand's letter just quoted: "The word 'western' was written over the word 'eastern,' which can still be distinctly deciphered."<sup>3</sup> Whatever hidden meaning this may have, it seems to indicate that the word "western" (and not "eastern") was intended by Talleyrand. But whether the alteration in the wording of the document is to be attributed to carelessness, immediately corrected, in Talleyrand's original writing or to a later after-thought on his part, who can say. The document appears to be an enigma, like its author.

### 2

Godoy says in his *Memoirs* that about the time of the American Revolution Vergennes tried to induce Spain to

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<sup>1</sup>"The Boundaries of the Louisiana Purchase," by the writer, in *Hispanic American Historical Review*, XIV, 32-64 (1934). This agreement between France and Spain is mentioned by an anonymous writer in the *Richmond Enquirer* who averred that "a copy of the boundary article, duly authenticated, of the said treaty of 1760 [1762] was obtained from the department of Foreign Affairs in France, by a Mr. Jos. M. White." *Richmond Enquirer*, April 2, 1844; also mentioned in "The Annexation of Texas," by B. B. Minor, in *Southern Literary Messenger*, X (Richmond, 1844), 318-319 and note.

<sup>2</sup>"La limite occidentale de la Louisiane cedée aux Etats-Unis a été déterminée par la convention de 1762 . . ." This document lies in the French Archives.

<sup>3</sup>Letter from the Chief of Archives, French Ministry of Foreign Affairs, to the writer, dated October 31, 1934. The Chief of Archives declared himself unable to throw further light on the putative boundary agreement of 1762.

retrocede Louisiana to France; that Charles III and Florida Blanca consented on condition that Spain be reimbursed for her expense in preserving Louisiana; and that "the lack of money was the only difficulty which suspended the course of the negotiation."<sup>4</sup> As tending to corroborate Godoy's testimony, Professor F. J. Turner cited the *Mémoire Historique et Politique sur la Louisiane, par M. de Vergennes* (Paris, 1802), which advocated the retrocession of Louisiana to France. Certain recent writers have declared this *Mémoire* spurious, and have then summarily proceeded to reject Godoy's statement as untrue. One writer, P. C. Phillips, considered the "Vergennes" *Mémoire* a forgery concocted during the Napoleonic period (at the time of its publication), while E. S. Corwin argued that it was probably a conglomerate fashioned in 1802 out of several earlier writings or treatises on Louisiana.<sup>5</sup>

The editor of the "Vergennes" *Mémoire* said in his preface that he attributed the authorship of the document to Vergennes because it was found in Vergennes's papers and because it bore on it his coat of arms. It seems not hitherto to have been noted that this published "Vergennes" *Mémoire* fulfils perfectly the description of an authentic manuscript memoir bearing the same title and written likewise in French which lies in the Spanish Archives—the *Mémoire Historique et Politique sur la Louisiane. Par M. Senlis*—of which W. R. Shepherd has given us a circumstantial description.<sup>6</sup> Both memoirs are addressed to Louis XVI; and the description of the unpublished "Senlis" *Mémoire*, both as to form (number of chapters, etc.) and as to content and argument, so completely fits the "Vergennes" *Mémoire* that one is tempted to believe that the two memoirs are one and the same document.<sup>7</sup> If this should be so, the "Vergennes" memoir so far from being

<sup>4</sup>Godoy's *Memoirs*, quoted in F. J. Turner, "The Policy of France towards the Mississippi Valley in the Period of Washington and Adams," in *American Historical Review*, X (1905), 245.

<sup>5</sup>P. C. Phillips, *The West in the Diplomacy of the American Revolution* (1913), 30-32 note; E. S. Corwin, *French Policy and the American Alliance of 1778* (1916) 10-13 and note.

<sup>6</sup>W. R. Shepherd, *Guide to the Materials on the History of the United States in Spanish Archives* (1907), 36.

<sup>7</sup>The present turmoil in Spain makes it impossible at this time to refer to the Spanish Archives for verification of the conjecture, which remains to be tested by comparison of significant extracts of the two documents.

a mere forgery or conglomeration of the Napoleonic era may be a paper of some historical importance. Possibly Vergennes himself actually wrote or inspired it. If we were seeking corroboration for Godoy's testimony might we not consider it a meaningful fact in itself that this French *Mémoire*, advocating the retrocession of Louisiana, lies in the archives of the Spanish government? We could readily infer that it played some part in Franco-Spanish diplomacy in Louis XVI's day. There was a persistent rumor on foot in 1787 that Louisiana was to be returned to France in exchange for some material consideration.<sup>8</sup> Godoy's testimony may, after all, be true,—and no adequate motive for his falsifying in this matter has been shown.

## 3

The status of West Florida after 1783 (when England retroceded the Floridas to Spain) became ambiguous, though it had its own Governor as distinct entity up to the last day of Spanish possession. Grants of crown lands in West Florida were made by Spanish authorities of both Louisiana and East Florida until 1798, when by royal order the power of granting West Florida crown lands was vested in the Intendent of Louisiana exclusively.<sup>9</sup> Vicente Folch y Juan, Governor of West Florida from 1795 to 1810, allowed the portion of his province west of Mobile to be governed largely by Carlos Dehault de Lassus, the military commandant at Baton Rouge. To such an extent did the Louisiana officials exert political influence over this part of West Florida that Casa Calvo wrote in his report on Louisiana on September 25, 1802, that the actual jurisdiction of Louisiana in Spain's hands had been extended "and includes the territory even to the Mobile . . . and Appalachicola known as West Florida."<sup>10</sup>

<sup>8</sup>N. M. Miller Surrey, *Calendar of the Manuscripts in Paris Archives and Libraries relating to the History of the Mississippi Valley to 1803* (1928), II, 1633, 1636; see also E. W. Lyon in *Mississippi Valley Historical Review*, XXII, 251 note, 254.

<sup>9</sup>C. M. Brevard, *A History of Florida* (1934), I, 267-270; F. P. Burns, "The Spanish Land Laws of Louisiana," in *Louisiana Historical Quarterly*, XI (1928), 557-581; P. J. Hamilton, *Colonial Mobile* (1910), 357.

<sup>10</sup>Jerónimo Bécker, *Historia de las Relaciones Exteriores de España durante el Siglo XIX* (1924), I, 74-76. The writer of the *Examen des Limites de la Louisiane* (1803), MS., says that when Spain took repossession of West (Footnote Continued)

Spanish authorities in West Florida were preparing to yield their possession to France in 1802, according to H. M. Brackenridge, who visited the region a few years later. Also noteworthy is a statement made in the Senate of the United States by Dayton, upon his return in 1803 from a trip to New Orleans: Laussat, the Intendent sent by Napoleon to take over Louisiana, had told Dayton that "when the troops then expected out from France (and which were actually embarked at Helvoetsluys, under Bernadotte . . .) should arrive, they would take possession to the Perdido, without asking any questions of Spain"<sup>11</sup> Laussat had left France on his mission to Louisiana on January 10, 1803, and it is probable that in his avowal regarding West Florida he disclosed Napoleon's secret intention as confided to the agent before he left France. Laussat's statement, as quoted by Senator Dayton, was no doubt noted with interest by President Jefferson and probably encouraged the President in his claim to West Florida as part of his Louisiana Purchase. Can Jefferson be blamed much for desiring to include in Louisiana what Napoleon apparently meant to include,—especially when the description of Louisiana set forth in the treaty of San Ildefonso (1800) seemed to encourage this view? It could hardly alter the merits of the question that France after selling Louisiana to the United States "changed her tune" (to quote J. Q. Adams' comment) and sought to discourage Jefferson in the West Florida claim. Readers are familiar with Talleyrand's laconic response—as reported by Livingston—when the American ambassador solicited the Frenchman's support in this matter: "You have made a noble bargain for yourselves, and I suppose you will make the most of it." Livingston's successor as

(Footnote Continued)

Florida "she continued to give it the name it had under the English in adopting the reunion . . . and reunited the whole under the jurisdiction of the Governor of Louisiana at New Orleans, and in the public acts, as in ordinary usage, that portion was indifferently denominated Louisiana or West Florida." The writer adds that the terminology of the treaty of San Ildefonso (1800) was employed intentionally to include in Louisiana both West Florida and any territory which had been incorporated into Louisiana on the western or New Mexican border since 1712. This document lies in the French Archives, *Affaires Etrangères, Etats-Unis* 55, folio 408; transcript in the University of Texas Library. It was perhaps written or inspired by Talleyrand.

<sup>11</sup>C. F. Adams, ed., *The Memoirs of John Quincy Adams*, IV, 220; Dayton in *Annals of Cong.*, 8 Cong., 1 Sess., I, 47-48.



American Minister to Paris, John Armstrong, has handed down a somewhat different, and less urbane, version of the incident: "Tradition has added, that when our minister [Livingston] came to explain his object, M. Talleyrand sneeringly asked, 'how long he had held the opinion that any portion of West Florida belonged to Louisiana?' and then shuffled off to some other auditor."<sup>12</sup>

Notwithstanding its rather evident absurdity, the customary view (which has the prestige of Henry Adams' acceptance) that Napoleon cleverly "hoodwinked" President Madison by his overture, through Cadore, of August 5, 1810, is still being repeated by historians, so great is the weight of tradition.<sup>13</sup> Madison and his advisers understood the conditional nature of Napoleon's offer to revoke the Berlin and Milan decrees, for the conditions on which the revocation depended were plainly expressed in Cadore's note: namely, that England should rescind her orders in council "or that the United States . . . shall cause their rights to be respected by the English."<sup>14</sup> In response Madison eventually, on

<sup>12</sup>"Negotiations with France in 1803," in *Washington City Gazette*, January 9, 11, 1819. These articles were anonymous, but Crawford and Adams without doubt or hesitation attributed them to Armstrong, who, though Livingston's brother-in-law, had attacked both Livingston and Monroe previously in print. See Adams, ed., *The Memoirs of J. Q. Adams*, IV, 219-220 (January 15, 1819).

<sup>13</sup>E.g., S. F. Bemis, *A Diplomatic History of the United States* (1936), 154-155. See Henry Adams, *History of the United States during the Administrations of Jefferson and Madison* (ed. 1930), III, Bk. 5, pp. 252-261, 296-304.

<sup>14</sup>Napoleon on August 2, 1810 gave Cadore a draft of the dispatch which Cadore was to hand to the American minister, Armstrong. This draft (varying only slightly from the letter finally sent to Armstrong on August 5) reads: "Dans cette nouvelle position, je suis autorisé à vous déclarer que les décrets de Berlin et de Milan sont rapportés; qu'à dater du 1<sup>er</sup> novembre prochain ils cesseront d'avoir aucun effet, pourvu que, en conséquence de ce, les Anglais rapportent les arrêts du conseil et les nouveaux principes du blocus qu'ils ont voulu établir, ou que les Etats-Unis . . . fassent respecter leur droit par les Anglais." *Correspondence de Napoléon, Publiée par Ordre de l'Empereur Napoléon III*, XXI, 1-2. In place of "pourvu que" the expression "bien entendu que" appeared in Cadore's note as sent to Armstrong on August 5.

Cadore shortly followed up his note of August 5 to Armstrong with another in which he stated that "his Majesty hastens to cause it to be made known to you that he anticipates that which may re-establish harmony with the United States, and that he repeals his decrees of Berlin and Milan, under the conditions pointed out in my letter to you of the 5th of August." Beckles Willson, *American Ambassadors to France, 1777-1927* (1928), 99.



November 2, issued his non-intercourse proclamation against England, alleging incorrectly—but as was necessary to find authority under the Macon bill—that France had revoked her decrees. The proclamation, it is true, in being a large step towards war with England, tended to fulfil the requirement stipulated in Napoleon's overture and may thus in one aspect be viewed as a strategic move in our struggle to assert and maintain our neutral rights on the seas. The proclamation, however, was distinctly pro-French, and the Secretary of State, Robert Smith, strenuously opposed the President's policy from that time on until his dismissal from the cabinet in 1811. When Smith pointed out to the President that there was no basis for his assertion that France had revoked the decrees Madison's "utter indifference" amazed him.<sup>15</sup>

The present writer has briefly suggested elsewhere that Madison's policy *re. West Florida*, looking to its annexation, was a large motivating influence—and perhaps the decisive influence—behind his compliance with the Napoleonic overture of August 5, 1810. The non-intercourse proclamation against England, in other words, may be viewed in another aspect as a bribe to secure France's acquiescence in the American annexation of West Florida.<sup>16</sup> This view merits further amplification and documentation.

As early as 1808 Napoleon had held out the Floridas to the United States as an inducement to join France in war against England, and continued this policy of trying to lure the United States into hostilities against England by appeals to American imperialistic ambitions.<sup>17</sup> With anarchy in Spain following the Napoleonic intervention of 1808, Spanish America, including the Floridas, began to strain at its moorings and revolt. The time at last seemed propitious, if somewhat perilous, for the realization of the long-standing American desire to annex West Florida and "enforce" the claim laid in 1803. During 1809-1810 President Madison intrigued in West Florida through various channels, seeking to form a pro-

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<sup>15</sup>Robert Smith, *Address to the People of the United States* (Baltimore, 1811), 13-14; see also Joseph Gales's *Recollections in National Intelligencer* (Washington), July, 1857, and in H. B. Dawson, ed., *The History Magazine* (Morrisania, N. Y.), Series 3, III.

<sup>16</sup>"The Boundaries of the Louisiana Purchase," *loc. cit.*, 59-64.

<sup>17</sup>*Cf.* John Rydjord, "Napoleon and the Independence of New Spain," in *New Spain and the Anglo-American West* (Lancaster, 1932), I, 302.

American annexation party in that region and to encourage the inhabitants to revolt and apply to the United States for absorption.<sup>18</sup>

But this West Florida annexation scheme was fraught with dangerous possibilities of strong opposition from certain quarters in Europe,—especially from Napoleon, who as “protector” of Spain posed likewise as “protector” of Spain’s possessions. The fear of France’s interposing between the United States and its intended prize of West Florida appears over and over in Madison’s mind during 1809-1810, as it had previously in Jefferson’s. A few quotations will show how closely Madison’s apprehension regarding France as an obstacle to his West Florida plans was linked in his mind with his issuance of the non-intercourse proclamation against England of November 2, 1810. Madison had written Jefferson in April, 1809:

She [France] must be equally aware of the importance of our relations to Spanish America, which must now become the great object of Napoleon’s pride and ambition. Should he repeal his decrees with a view to this object, the most probable source of conflict will be in his extending the principle on which he required a *prohibition* of the trade with St. Domingo to the case of the Spanish Colonies. Nor is it improbable that he may couple such a requisition with an offer to cede the Floridas, which would present a dilemma not very pleasant.<sup>19</sup>

Up to 1811 it was believed in the United States that Napoleon would endeavor to control and hold the Spanish empire. A high respect for French military power and impressions of England’s relative weakness strongly colored the thoughts of Jefferson and Madison and predisposed them towards the pro-French policy which American imperialistic interests influenced them finally to adopt. In 1808 Jefferson was of opinion that England “would not exist six months as a free and independent nation; but was confident the weight of her national debt, and the pressure of the French power, would

<sup>18</sup>C. C. Tansill, “Robert Smith,” in S. F. Bemis, ed., *American Secretaries of State and Their Diplomacy*, III, 182-185; Claiborne to William Wykoff, June 14, 1810, in D. Rowland, ed., *Official Letter Books of W. C. C. Claiborne*, V, 31-34; I. J. Cox, *The West Florida Controversy*, *passim*; cf. John Adair to Madison, January 9, 1809, in *Gulf States Historical Magazine*, I, 17-18.

<sup>19</sup>*Letters and Other Writings of James Madison* (New York, 1884), II, 440.

destroy her in the course of a year."<sup>20</sup> Writing in March, 1810, Jefferson, while hoping that Napoleon would conquer England, yet was rather apprehensive as to the consequences: "A republican emperor, from his affection to republics. independent of motives of expediency, must grant to us the Cyclops' boon of being the last devoured," adding hesitantly, "The fear that Buonaparte will come over to us and conquer us also is too chimerical to be genuine."<sup>21</sup> The Virginia dynasty loudly joined Napoleon in denouncing the English, the "nation of merchants," and disclaimed affinity. Jefferson in 1810 scouted the idea of an alliance with England, which he had toyed with earlier: "And what is to be our security, that when embarked for her in the war, she will not make a separate peace, and leave us in the lurch? Her good faith! The faith of a nation of merchants! The *Punica fides* of modern Carthage!"<sup>22</sup> Monroe was equally emphatic, in speaking with the French Minister, Serurier: "People in Europe suppose us to be merchants occupied exclusively with pepper and ginger. They are much deceived, and I hope we shall prove it . . . I never knew what trade was; the President is as much of a stranger to it as I."<sup>23</sup>

In the summer of 1810 there was a rumor afloat that Napoleon intended to take possession of West Florida, a rumor which was not calculated to lessen Madison's apprehension and feeling of the practical necessity of conciliating France as a step in the acquisition of West Florida. The rumor seems also to have been a contributing cause to the anticipated revolt in West Florida in July, 1810.<sup>24</sup> News of the outbreak in West Florida along with Napoleon's overture through Cadore reached Washington simultaneously and were considered together by the cabinet. Madison was eager to take possession of West Florida at this juncture but the danger from France made him hesitate and consider, as appears from

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<sup>20</sup>*United States Gazette* (Phila.), May 14, 1812.

<sup>21</sup>T. J. Randolph, ed., *The Works of Thomas Jefferson* (1829), IV, 145.

<sup>22</sup>*Ibid.*, 146. Napoleon is quoted, on a favorite theme: "Je n'aime pas les negociants! Un negociant est un homme qui vendrait sa patrie pour un petit écu!"

<sup>23</sup>E. E. Hale, *Memories of a Hundred Years* (1903), I, 192-193.

<sup>24</sup>H. L. Favrot, "Some Causes and Conditions that Brought about the West Florida Revolution in 1810," in *Pubs. of the Louisiana Historical Society*, I (1895), 41.

his private conversation on October 17, reported by Gales: "As to the independence of the Floridas, if Bonaparte was sincere in the declarations he was said to have made, he would not object to it: if he was opposed to their independence, policy should induce him to let them alone, for his interference would immediately throw them into the arms of Britain."<sup>25</sup>

Desire to conciliate France, to purchase her acquiescence in the intended West Florida annexation, doubtless was a powerful motive behind Madison's final decision, after considerable deliberation, to issue a non-intercourse proclamation against England. Under the circumstances it would hardly seem to be a mere coincidence that Madison arrived at these two important decisions *on the same day*, October 19, at that time resolving both to take West Florida and proclaim non-intercourse with England. At the President's request the Secretary of State, Smith, wrote the following dispatch to England on that day:

If the proceedings of the French Government, when officially received, should correspond with the printed letter of the Duke of Cadore enclosed in your dispatch, you will let the British Government understand that on the 1st day of November the President will issue his proclamation, conformably to the act of Congress, and that the non-intercourse law will consequently be revived against Great Britain.<sup>26</sup>

Also on October 19 Madison wrote a letter to Jefferson which clearly reveals that his decision to comply with the Cadore overture was very largely determined by his West Florida annexation plans and his fear of France in this connection; after speaking of his intention of issuing a proclamation against England (in compliance with the Cadore letter), which he admitted would probably lead to war with England, Madison says:

All we know of the step taken by France towards a reconciliation with us, is thro the English papers sent by Mr. Pinckney. . . .

The Crisis in W. Florida, as you will see, has come home to our feelings and our interests. It presents at the same time serious questions, as to the Authority of the Executive, and the adequacy of the existing laws of the U. S. for territorial administration. And

<sup>25</sup>Joseph Gales' Diary, October 17, 1810; see last reference cited in note 15 above.

<sup>26</sup>R. Smith to Pinckney, October 19, 1810, in *Am. State Pap., For. Rel.*, III, 396-370. Smith disobeyed Madison's instruction that he give the same information to the French government at this time.

the near approach of Congress might subject any intermediate interposition of the Ex. to the charge of being premature & disrespectful, if not of being illegal. Still there is great weight in the considerations, that the Country to the Perdido, being our own, may be fairly taken possession of, if it can be done without violence, above all if there be danger of its passing into the hands of a third & dangerous party [England] . . . *From present appearance, our occupancy of W. F. would be resented by Spain, by England, & by France, and bring on not a triangular but quadrangular contest.*

In relation to this state of affairs Madison adds with regard to his intended proclamation against England in compliance with the Cadore overture: "We hope from the step, the advantage at least of having but one contest on our hands at a time. If G. B. repeals her orders, without discontinuing her mock-blockades, we shall be at issue with her on ground strong in law."<sup>27</sup>

Madison's proclamation annexing West Florida was put forth on October 27, his proclamation against England on November 2. In a dispatch to Armstrong of October 29, 1810, Madison announced the two proclamations simultaneously to France in language which plainly displays his hope that France would acquiesce in the first measure in view of the second.<sup>28</sup> If in issuing the anti-British proclamation it was the President's intention to appease Napoleon in regard to the seizure of West Florida he was eminently successful. In his cordial response Napoleon did not show himself deficient in a cynical understanding of Madison's motives.<sup>29</sup>

When, however, it became apparent to Napoleon that Madison's proclamation of November 2, 1810, would not immediately lead to Anglo-American hostilities his cordiality cooled off appreciably. Meanwhile, with West Florida safely bagged, Madison turned longing eyes upon East Florida. At length in the spring of 1812 the French Emperor, by adroitly showing that the Berlin and Milan decrees had been (at least fictitiously) revoked, drew the Americans into the "Second War" with England,—which appears to have been the price paid by the Americans for the seizure of West Florida (coupled

<sup>27</sup>Madison to Jefferson, October 19, 1810, in Gaillard Hunt, ed., *The Writings of James Madison*, VIII, 109-110. My italics above.

<sup>28</sup>*Ibid.*, 114-117.

<sup>29</sup>Napoleon to Cadore, December 13, 1810, in J. B. P. Vaillant and other editors, *Correspondence de Napoleon*, XXI, 371-372; translated in the writer's "The Boundaries of the Louisiana Purchase," *loc. cit.*, 64.



as it was with the anti-British proclamation) and a shady promise of Napoleon's in 1811<sup>30</sup> to let the United States take East Florida from England's weak ally, and his own nominal vassal, Spain.

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<sup>30</sup>Madison joyfully wrote Joel Barlow on November 17, 1811: "From a late communication of Mr. Russell to the Secretary of State it appears that the F. Emperor has very wisely made up his mind for the Independence of Spanish American; and for the possession of E. as well as W. Florida by the U. S. It is to be hoped that no unworthy attempt will be made to extract money from the occasion." Hunt, ed., *The Writings of Madison*, VIII, 171-172.

# INSTITUTIONAL ADAPTATIONS OF AN URBAN RELIGIOUS MOVEMENT

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The Christian Science Movement arose in an urban environment and from its beginning has been predominantly an urban religious movement. The extent to which this is true at present is shown in Tables I and II. Ninety-four per cent of the membership in 1926 was in territory classed as urban by the Bureau of the Census; and more significant still, 52.7 per cent of the membership, and a larger percentage of the practitioners, were found in cities having a population of 100,000 or more. These cities, it should be borne in mind,

TABLE I

DISTRIBUTION OF MEMBERSHIP BY SEX AND RESIDENCE  
(FROM U. S. CENSUS OF RELIGIOUS BODIES, 1926)

	Males	Females	Sex Not Reported	Urban	Rural	Res. Not Reported
Number	33,700	103,578	64,820	131,657	8,424	62,072
Per Cent	24.5	75.5		94.0	6.0	

TABLE II

PER CENT. DISTRIBUTION OF CHURCHES, SOCIETIES,  
MEMBERS AND PRACTITIONERS, ACCORDING  
TO SIZE OF THE PLACE IN  
WHICH LOCATED

Size of Place 1930 Census	Churches <sup>1</sup>	Societies <sup>1</sup>	Members <sup>2</sup>	Practitioners <sup>3</sup>
100,000 and more	25.0	2.3	52.7	57.3
25,000 to 99,999	19.6	1.5	15.2	17.7
10,000 to 24,999	25.0	11.1		10.9
2,500 to 9,999	26.0	49.0	32.0*	9.8
Less than 2,500	4.4	36.1		4.3

<sup>1</sup>Based on count of churches and societies whose announcements appeared in the September, 1934, issue of *The Christian Science Journal*.

<sup>2</sup>Data from U. S. *Census of Religious Bodies, 1926*. The total reported for 1926 was 202,098, but of this number, 62,017 who were members of the Mother Church, but not of any branch church, were not tabulated as to residence.

<sup>3</sup>Based on a count of practitioner's announcements appearing in the September, 1934, issue of *The Christian Science Journal*.

\*The *Census of Religious Bodies, 1926* gives tabulated data only for cities which had a population of 25,000 or more in 1920.

contained only 29.6 per cent of the population of the United States in 1930.

In this paper, which is based upon one section of a larger study, I shall discuss four institutional devices by which the movement has adapted itself to the needs of an urban constituency, (1) the Christian Science practitioner, (2) the mid-week testimonial meeting, (3) Christian Science publications, and (4) the reading room.

1. *The Practitioner.*—The practitioner is not simply a "healer" of physical ills, but performs a variety of functions vital to the success of the movement and the happiness of its members. She is both a pastor and a mother-confessor (88 per cent of the practitioners are women), interpreting the doctrines of Christian Science to the rank and file, hearing their confessions and advising them upon all manner of problems, from the recovery of stolen property, or the buying and selling of real estate, to the problem of how to find God in Chicago, or what to do about a broken heart or an aching conscience. She is a friend and confidante, a rule-of-the thumb psychiatrist, an unraveller of domestic tangles, and over and above all this, she will engage, upon occasion, to assist her clients in "controlling" the ever present aleatory element in life, as in securing protection against dangers of travel, storms, flood or fire, or even in gaining insight into future events. ("Perspicacity" is the professional term for this demand). Two Christian Scientists known to the author appealed to a male practitioner for help in securing business partners. Their letters reached him at about the same time, and he solved their problems neatly by referring them to each other. Another, a "tender-foot" just come to Texas, appealed to a practitioner for protection against rattlesnakes, tarantulas, and scorpions. Statements secured from practitioners in St. Louis indicate that the type of service most frequently called for is the healing of physical ills, but mental and nervous troubles,—anxieties, fears, grief, nervousness, sense of sin, belief in impending insanity,—claim a close second place, followed by lists of practical problems as variant as the interests of modern life. One practitioner mentioned, among other things, "business problems, students' problems, lost articles or financial loss . . . malice, injustices, jealousies, travel, perspi-

cacity, etc." Another, perhaps to avoid the *et cetera*, rounded out her list with "atmospheric, geographic and social problems." A male practitioner, occupying an expensive suite of offices in the Railway Exchange Building, St. Louis, stated that a considerable number of his clients came for advice on business transactions, while a female practitioner, practicing in a residential area, stated that most of the "practical" problems she was called upon to deal with (i. e. problems *other than* physical ills and mental or nervous troubles) were directly concerned with domestic difficulties of one sort or another. A practitioner in the upper middle-class suburb of University City wrote as follows: "Many come because they want God, as I did, and don't know where to find him. They think they want physical help, but when they find an enlarged conception of God, the physical ills disappear."

To search for God and not know where to find him is an experience of the uprooted, urban personality; for people who are firmly rooted in the primary community always know where to find their gods, and what to expect of them. So likewise are the experience of moral bewilderment, the withering fear of financial loss or failure, and the slow, corrosive influence of family tension, bickering and discord in a society which has failed to make any effective accommodation between its bucolic ideals of family life and the Manchesterian harshness of an unregulated industrial economy. The role of the practitioner in helping to meet such problems is not something which was thought out in advance by the founder of the movement, but is a thing which has developed in response to the needs of men and women living as strangers in urban society. The fact that 88 per cent of the practitioners are women, and 78 per cent are married women,—mostly of middle age, or past—is highly significant, suggesting the relationship of the practitioner to that adjustment process which psychoanalysts have designated as "infantile return." This need not, of course, be a pathological process. (It is pathological only when it becomes an habitual device for avoiding the facing of problems). For the lonely, the discouraged, the fearful men and women who daily visit several thousand matronly, middle-aged practitioners in cities of the United States, the sympathetic response and quiet assurance which form a part of the practitioner's professional manner must often arouse memories of childhood and the mother's pro-

tective guidance. The presence of such associations may well serve to strengthen the *rapport* between practitioner and client, and so to smooth the way for acceptance of the suggestions which may be offered for a better adjustment.

2. *The Mid-Week Testimonial Meeting.* — The once familiar Protestant prayer meeting has generally failed to find a place in modern urban life, but the mid-week service in the Christian Science movement has become the most vital and important of its congregate religious observances. This is because it is, like the practitioner, a response to the peculiar needs and conditions of urban life. Its importance is explained by two facts, first, it is pervaded by an atmosphere of sincere friendliness and sympathetic accord, and second, it affords people an opportunity to share their experiences with each other. Let us briefly look in upon such a meeting. The first half of the meeting hour, devoted to the singing of hymns and the reading of the uniform "lesson sermon" need not detain us,—it is the second half, the testimonial period which is significant. After a brief announcement to the effect that the meeting is open for "testimonials, experiences, or remarks about Christian Science" an expectant hush falls upon the congregation. A long minute elapses before the silence is broken by a smiling young matron who rises in her place and tells what Christian Science has meant to her: two *almost* painless childbirths, protection of children from disease (little Jane was sent home from school last week with a rash which the teacher said was measles, but the practitioner was called, and next morning the rash was gone), but greatest comfort of all, the faith that as Jane and Bobbie dart across the crowded traffic lanes in going to and from school, they are continually "under the shadow of the Almighty." As she takes her seat, a bulging female, her face half hidden by a luxurious fur neckpiece, recounts in strident voice how Christian Science recently aided her in collecting a debt. It seems that she visited a practitioner, who advised her to visit a lawyer, who, in turn, instituted foreclosure proceedings and seized certain of the debtor's property. Various members of the congregation shift uneasily in their seats, doubtless remembering their own debts, but the note of discord is speedily covered up by a sweet-faced grandmother who tells of the comfort that has been hers *as*, one by one, those nearest and dearest to her have "passed on." Other testimonials follow. A fledgling lawyer tells how



Christian Science gave him courage and self-confidence when he faced the bar examinations, a tired but radiant little woman tells of the help and comfort she has received in connection with problems arising from her husband's sudden death. A broken heart has been bound up, a weary spirit has somehow found courage to carry on, and though she confesses that problems of "supply" (money worries) have been many, they have always been met in some way.

These are not imaginary testimonials. The foregoing account is based upon testimonials actually heard by the author at mid-week meetings in various churches in St. Louis.

In any society, the courage and capacity for effective living depends, in a large measure, upon the ability of men to participate in the experiences of those around them. In the relatively simple life of stable primary groups such participation does not depend upon any formal or voluntary arrangements,—it is a natural consequence of the group life. But in the modern city, where group life consists chiefly of casual, secondary contacts, special channels must be created through which the individual can share the lives of other. The "sensational" press, the "confession" magazine, the movies, and radio programs of the "Ma Perkins" type are such channels, but they are all *one-way* channels. They provide a stream of human interest from which the thirsty listener or reader may drink, but they do not provide the individual with an opportunity to share his own experiences with others, and this is a vital need. Men need to tell their troubles and proclaim their victories to sympathetic ears, and for this the opportunities provided in modern urban life are often exceedingly meagre. The testimonial meeting provides a two-way channel. Members of the congregation not only participate in the lives of their fellows, but they have the opportunity, under favorable conditions, to share their own experiences with sympathetic listeners. To fulfill this function, the testimonial meeting has to be something more than an open forum. Normally sensitive people do not exhibit their inner lives in a public forum, and the success of the testimonial meeting can only be explained in terms of the assumption that it is pervaded by an atmosphere of genuine friendliness and good-will, such as is characteristic of a strong primary group. Strength is lent to this assumption by the fact that Christian Science congregations are usually small, and comparatively stable, and by the general policy

of taking time to get acquainted and to be friendly, which has characterized every service which the author has ever attended. Churches are invariably built with large foyers in which the congregation lingers and talks after the evening service, in a manner reminiscent of the rural church. It is perhaps not putting it too strongly to say that the Christian Science congregation is a sort of primary-group sanctuary in a secondary-group wilderness,—a place where a man can sit down and relax without looking over his left shoulder.

3. *Christian Science Publications.*—In any movement attempting to control behavior of urban men and women, the printed word must play an important part. This is true, not simply because of the high rate of literacy of urban populations and the difficulty of reaching large numbers of people by any other means, but because of the fact that the urban man is habituated, as man has never been habituated before, to respond to written stimuli and to depend upon written stimuli in all of the routine adjustments of life from the selection of his toothpaste to the formation of his opinions about baseball, politics, and the ultimate ends of life. The Christian Science movement early made use of printed propaganda, and through its emphasis upon daily reading of the Bible and the writings of Mrs. Eddy, and the thorough-going manner in which it covers the periodical field, it probably comes nearer to monopolizing the reading time of its adherents than any other American religious movement. A student of Christian Science (not a member, but a candidate for membership) stated that 90 per cent of his reading was either of the Bible or of Christian Science literature. Besides publishing all of the writings of Mrs. Eddy, the official press of the movement publishes a daily newspaper, the *Monitor*, weekly and monthly journals in English, and two bi-lingual journals, English-German and English-French, for the benefit of European readers. In addition to doctrinal articles and news of the movement, the weekly and monthly journals devote ample space to the publication of testimonial letters, thus supplementing the role of the mid-week meeting.

4. *The Christian Science Reading Room.*—Wherever there is a Christian Science Church, there is a Christian Science reading room, where all publications of the movement may be read, and from which the writings of Mrs. Eddy may be borrowed, as from a regular lending library. Reading

privileges are free to all, regardless of membership in the movement. Such a reading room is invariably found in a Christian Science church, and in the larger cities, an additional reading room is maintained in an accessible down-town location,—usually an office building. The significance of the reading room is to be found, not simply in the fact that it makes the publications of the movement available to large numbers of people, but in the general atmosphere which the reading room manages to preserve. Like the mid-week service, it is pervaded by an atmosphere of friendliness and restfulness. If you are working down-town and have a few minutes to spend after lunch it is a good place to go and read the latest *Monitor*. If you are tired from a shopping trip, it is a good place to rest. You will see friends there if you happen to be a Christian Scientist, and they will nod to you, but will not talk to you, which, after all, is something of a blessing if you happen to be tired. As in the case of the mid-week service, the word which seems best to describe it is *sanctuary*. Its function is not dissimilar to that of the little Catholic chapel which one often finds sandwiched between towering office buildings, its heavy doors swinging open to a never-ending stream of tired men and women who enter "for prayer and meditation." Few Protestant religious movements have realized how desperately the modern city man needs comfort and rest and some reassurance that the world in which he lives is ultimately a good world, a friendly world, despite all evidences to the contrary.

## THE PRESENT TREND OF BUSINESS

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According to the various indexes of business conditions in this country, there has been a marked slump in the trend of business during the past few months. The New York Times weekly business index indicates that there was a definite decline in general business in January and February of this year, but that in March there was an upturn in business. Then, in August of this year the index showed a decided decline in the general trend.

According to the Federal Reserve index of industrial production, the trend has been downward since December, 1936. From 1934 to 1936 there was a considerable increase in stocks of goods on hands. There has been little or no increase in the volume of department store sales since last December, and there has been a sharp drop in wholesale prices since last August. Everyone is acquainted with the sharp decline in securities listed on the Stock Exchange during the past four months.

The trend of business in this country was definitely upward from May, 1933, until the end of 1936. During that time the Federal Government spent some sixteen billion dollars in excess of revenues collected for the purpose of aiding the unemployed and stimulating business. This great government expenditure program did stimulate business, and brought into operation the so-called natural recovery forces. These natural recovery forces consist of replenishing stocks of goods, increasing and improving permanent capital equipment, and withholding goods from the markets for higher prices. As a result of their operation there was an increase in the volume of production and a rise in employment, as well as a rise in the general price level. This recovery movement seems to have halted by the end of 1936.

As I see the problem, the following forces brought the uptrend in business to a halt: first, the natural recovery factors have about spent their force; second, the Federal Government is much nearer a balanced budget than any time since 1933 (It is estimated this year that the excess of expenditures over receipts will be only seven hundred million dollars as compared with four billion, two years ago); third, the appli-

cation of the Social Security Act brought about some reduction in the immediate purchasing power of consumers; and, fourth, there is uncertainty among business men as to what the Federal Government's policy will be in reference to hours and wages of laborers, control of big business (particularly the reduction of monopolistic restraints) and the taxing policy. Each of these factors tend to restrain business recovery.

During the first four years of the Roosevelt Administration the Federal Government furnished more than fifteen percent of the purchasing power used by consumers in the retail markets. This money was paid out to the unemployed, on public works, and to farmers in the administration of the agricultural adjustment policy. Business adjusted itself to absorb this artificial purchasing power paid out by the Federal Government. Now, as a result of a reduction in these Federal Government payments, there has been a decline in the purchasing power of consumers which is being felt by business.

It was not possible to keep the natural recovery factors in active operation for an indefinite period of time without bringing about an unhealthy boom condition. There have not been sufficient prospects of expanding markets to justify boom conditions. For these reasons the "boosting" effects of the natural recovery factors have now disappeared.

The Government estimates that the operation of the Social Security Act next year will cause more than one billion dollars to be paid into the Federal Treasury. A large part of this will come from the income of laborers and will consequently reduce their immediate purchasing power to the amount of these payments.

Our business leaders appear to be quite uneasy concerning the prospective hour and wage legislation by the Federal Government. They feel that the passage of such legislation will result in an increase in the cost of production and a reduction in the profits of business enterprises. For these reasons they are reluctant in going ahead in expanding business before knowing the nature of the wages and hours legislation.

Just now there is a great deal of opposition on the part of managers of corporations to the Federal Government's taxation of corporate profits held as surplus. The National Administration has indicated that it will make some adjustment in the present law in reference to taxation of corporate profits. There is also some probability that the Administration



will revise the anti-trust laws with the view of preventing further growth of monopolistic domination in certain industries. Big business is very much opposed to such legislation.

Should Congress fail to pass an effective agricultural act which will result in preventing the accumulation of a large surplus of agricultural products, the farming industry certainly will be very much depressed by next year. It seems to me that, if the Government does not pay the farmer to limit his production, it must force him to do so by penalizing him if he refuses. I do not believe a purely voluntary non-compensatory agricultural plan will be effective.

The outstanding force which will bring about a general decline in business in this country, if it comes, will be a shortage of consumers' purchasing power to buy the finished goods offered in the markets. Just now this purchasing power is being supplemented by government jobs and payments and instalment sales. These two artificial sources of purchasing power cannot last. A larger share of the national income must go to small income receivers, if a shortage of consumers' purchasing power is to be avoided in the future. This means we must have relatively higher wages for our workers.

With the present wars going on in the World, and the rising war clouds portending the possibility of another World War, it would be quite hazardous for one to predict the future trend of business in this country. Eliminating the possibility of a major war, it would appear, however, that the trend of business will not be upward for the next twelve months. There is a possibility, if not a probability, that the country is now starting on a prolonged downward trend in business.

## NOTES FROM THE SOUTHWEST

### ARKANSAS

*University of Arkansas*—Dr. Henry Alexander, formerly of Northwest Missouri State Teacher's College of Maryville, Missouri, has been appointed Associate Professor in the Department of History and Political Science. He will have charge of the work in political science.

Dr. Estal E. Sparlin, formerly of the University of Missouri, has been added to the staff of the Department of Rural Economics and Sociology to conduct research studies in taxation and public finance.

Dr. A. L. Venable, who comes from Vanderbilt University, has been added to the staff of the Department of History and Political Science. Most of his work will be in the field of history.

Mr. Ward Morton, who is completing work for the Doctor's degree at the University of Texas, has been appointed Instructor in History and Political Science. He will have charge of work in comparative and American Government.

Mr. J. L. Charlton has been added to the staff of the Department of Rural Economics and Sociology to conduct studies in rural education and rural sociology. He comes here from Washington, D. C., where he has been supervisor of the tabulating unit of the Resettlement Administration.

Mr. J. G. McNeely has been added to the staff of the Department of Rural Economics and Sociology to conduct studies in land use, marketing, and tenancy.

Mr. Charles Fisher has been appointed Director of the Arkansas League of Municipalities. This position was formerly held by Mr. Spencer Albright.

Mr. R. L. Kane, Jr. has been appointed Instructor in the College of Business Administration.

### KANSAS

*University of Kansas*—Dr. Carroll D. Clark, Head of the Department of Sociology, taught at the University of Idaho during the summer session.

Dr. Mabel A. Elliott of the Department of Sociology has been granted an additional leave of absence of one year because of ill health. Mr. Cleo E. Wilcox has been appointed Instructor of Sociology until Miss Elliott returns.

Professor Noel P. Gist of the Department of Sociology has been granted a leave of absence to teach at the University of Missouri during the current year. Mr. Ralph L. Hukill has been named Assistant Instructor to assist in the introductory courses during Dr. Gist's absence.

Dr. Alfred M. Lee, who has been on leave of absence, has accepted a research position with the Institute of Human Relations, Yale University.

#### LOUISIANA

*Louisiana State University*—Professor Charles S. Hyneman has been appointed Head of the Department of Government and Director of the Bureau of Government Research. Professor Hyneman came to Louisiana State from the University of Illinois, where he had been an assistant professor of political science since 1931. He is a member of the board of editors of the *American Political Science Review*.

#### MISSOURI

*Central Missouri State Teachers College*—Dr. W. E. Morrow, who was Dean of the College and Head of the Department of Economics and Commerce at Central Missouri State Teachers College, died last summer. He had served the institution for many years and was highly regarded as an outstanding teacher and fine scholar.

Mr. Clay J. Anderson has been appointed Head of the Department of Economics and Commerce.

Dr. F. W. Calvert, Head of the History Department, attended the School of International Relations conducted at the University of Michigan last summer.

*University of Missouri*—Dr. Samuel Wennberg of Northwestern University has been appointed Assistant Professor of Marketing. He is a graduate of the University of Oslo, Norway, and has a Ph.D. degree from Northwestern. Dr. Wennberg has done extensive research in price and supply forecasting and in the field of consumer economics.

Dr. John E. Dykstra, formerly instructor in the University of Kansas, has been appointed Assistant Professor of Business Administration. Mr. Dykstra possesses a Doctor of Com-

mercial Science degree from Harvard University and will have charge of work in the field of business and industrial management.

The University of Missouri Studies will publish as the January, 1938 issue the doctoral dissertation of Professor Estal E. Sparlin on the *Administration of Public Printing in the States*. Professor Sparlin is now Assistant Professor of Rural Economics in the University of Arkansas.

Professor E. L. Morgan, Chairman of the Rural Sociology Department, and recently appointed by Governor Lloyd C. Stark as a member of the newly established State Social Service Commission, died of heart failure on October 9, 1937.

Dr. L. Guy Brown, formerly Associate Professor of Sociology, has accepted a professorship at Oberlin College.

Professor Arthur W. Nebel has been granted a year's leave of absence in order to serve as Director of the Division of Public Assistance, with the recently established Missouri Social Service Commission.

Dr. Noel P. Gist, formerly Assistant Professor of Sociology at the University of Kansas, has accepted an assistant professorship in sociology.

Mr. Arthur P. Miles, formerly associated with the Illinois Emergency Relief Commission, has accepted an instructorship in sociology.

Professor Jonas Viles, Chairman of the Department of History, hopes to complete this year the *History of the University of Missouri* which is to appear as a part of the Centennial Celebration to be held in 1939.

Dr. Elmer Ellis, Associate Professor of History and acting Dean of the Graduate School in alternate summers, taught at Ohio State University the past summer. Professor Ellis was president the past year of the National Council for the Social Studies, which met in St. Louis, November 26 and 27, and was Editor of the Council's 1937 Yearbook.

Dr. Charles F. Mullett, Associate Professor of History, is in Pasadena working on materials in seventeenth and eighteenth century English history. He has received a fellowship from the Huntington Library and a leave of absence from the University for this year.

Dr. Goldman A. Smith, who recently received his doctorate in English history at Cornell University, is Instructor in History. He is giving the courses of Professor Mullett.

Dr. Thomas A. Brady, Assistant Professor of History, spent 1936-37 abroad. He had a fellowship from the John Simon Guggenheim Memorial Foundation, and a sabbatical leave from the University. Professor Brady spent half the year in Greece, several months in Italy, and shorter periods of time in Egypt, Germany, France, and England. He was engaged upon a study of materials for a history of the cults of the Egyptian gods in the Hellenistic and Roman Periods of antiquity.

Dr. John B. Wolf, Instructor in History, spent the past summer in Germany and France working upon materials regarding the contemporary history of those countries. He is writing a history of modern France.

Dr. Martin L. Faust has been promoted from Associate Professor to Professor of Political Science and Public Law.

Dr. Lewis E. Atherton, Instructor in History, received his doctorate from the University of Missouri in August. The subject of his thesis was *The Frontier Merchant*.

Mr. Alfred P. Sloan (through the Alfred P. Sloan Foundation) and Stephens College for Women at Columbia, Missouri, have established cooperatively the Institute for Consumers Education. During the first year emphasis will be given to bibliographic and excerpt files, an analysis of consumer problems, and the establishment of an extensive library on consumer education. Dean Weldon P. Shofstall and Dr. Paul W. Paustian of the Stephens College faculty are in charge of the Institute, pending the appointment of a director.

Mr. Edward G. Schiffman has accepted a position as Assistant Professor of Agricultural Economics at Auburn, Alabama.

Mr. Alva M. Meyers has accepted a position as Assistant Agricultural Economist with the Farm Security Administration of Washington, D. C.

A report on forest restoration in Missouri sponsored jointly by the College of Agriculture, the Resettlement (Farm Security) Administration, the State Planning Board, the United States Forest Service, and the American Legion will be published shortly by the Agricultural Experiment Station as Bulletin No. 385. A total of eighteen men in technical and administrative positions contributed articles to the report. The editing was done by Professor Conrad H. Hammar of the



Department of Agricultural Economics and Mr. R. H. Westveld of the Department of Horticulture and Forestry.

Professor Sam T. Bratton spent the summer making detailed studies of typical areas in the coastal lowland and central mountainous areas of Guatemala and Honduras.

Dr. J. G. Adams spent August and September making a survey of all the major regions of British North America.

### MEXICO

*University of New Mexico*—Professor Frank D. Reeve, a member of the Department of History, completed work for the doctorate at the University of Texas last spring. His thesis, *The Federal Indian Policy in New Mexico, 1858-1880*, will be run serially in the *New Mexico Historical Review* during the coming year.

Professor George P. Hammond, Dean of the Graduate School and Head of the History Department, has been made Chairman of the Publication Committee in charge of the publication of the works of Adolph F. Bandelier, eminent Southwestern ethno-historian.

### OKLAHOMA

*East Central Teachers College*—Mrs. Margaret H. Chaney, Instructor in American History, spent the year 1936-37 in the University of Texas, where she did advanced work in Latin American history.

Miss Louise Hornbeak is absent during the year 1937-38 while doing work in European history at Columbia University.

Mr. Charles Frank Spencer has a research fellowship with the University of Wisconsin and is doing research in government.

*University of Oklahoma*—Dr. Ralph Records, Associate Professor of History, has been granted a leave of absence for the first semester of the current year because of illness. Dr. Records' place is being taken by Dr. W. E. Livezey, formerly of Ohio State University.

Dr. Frederick L. Ryan, Associate Professor of Economics, has accepted a position with the National Labor Relations Board with headquarters in St. Louis. Dr. Gilbert Harold has been appointed Associate Professor of Economics to fill the

position left vacant by the resignation of Professor Ryan. Dr. Harold comes to the University from Ohio State where he was connected with the Department of Finance.

#### TEXAS

*Agricultural and Mechanical College of Texas*—Mr. F. A. Driskill has been added as Acting Instructor in Economics for the current session.

Mr. H. C. Bradshaw has been appointed Economist in Farm Taxation in the Division of Farm and Ranch Economics, Texas Agricultural Experiment Station. During the past three years Mr. Bradshaw has been working on a temporary basis with the Texas Agricultural Experiment Station and with the Texas Highway Department in studies of taxation and government in Texas. He is co-author of Texas Agricultural Experiment Station Bulletin No. 540, *Possible Savings Through Changes in Local Government*.

Another recent addition to the staff of the Division of Farm and Ranch Economics is Mr. P. H. Czarowitz, who has been appointed Field Assistant in Ranch Management.

Dr. John Ashton, who received the Ph.D. degree from the University of Missouri in 1926, has been added to the staff of the Department of Rural Sociology.

Mr. R. W. Hecht has been added as an Instructor in the Department of Agricultural Economics. He has charge of the instruction in farm records and of the laboratories of the Division of Farm Management. He did the same work at the University of Nebraska last year.

Mr. James H. Stauss has also been added to the staff of the Department of Agricultural Economics. He teaches courses in the economic history of agriculture.

Mr. L. S. Paine has resumed his work in the department as Associate Professor after a year and a half leave of absence.

Mr. Ocie Coston is now employed in the Statistical Department of the Agricultural Adjustment Administration, U. S. Department of Agriculture, Washington, D. C.

Mr. T. R. Timm was recently appointed Economist for the Extension Service of the New Mexico State College.

Mr. R. L. Melcher, who served last year as Assistant Agricultural Economist with the Alabama Polytechnic Institute,

was recently appointed Assistant Professor of Agricultural Marketing at New Mexico State College.

Mr. M. L. Upchurch is now working toward the Doctor's degree at the University of Wisconsin.

Mr. Paul Homeyer is working toward the Doctor's degree at Iowa State College.

Mr. John R. Wenmohs is now employed as Assistant in Program Planning by the Extension Service of the A. & M. College of Texas.

Mr. L. E. Cron has been appointed Graduate Assistant in Agricultural Economics at the University of Maryland.

The Steck Publishing Company has announced the publication of *Texas, a Story of Progress*, an illustrated text book for sixth grade pupils, by Dr. R. W. Steen.

At the close of the session of 1936-1937, the following promotions were made: Dr. R. P. Ludlum, from Instructor to Assistant Professor; Dr. R. W. Steen, from Assistant to Associate Professor.

Dr. A. B. Nelson, who received the Ph.D. degree from the University of California, has been added to the staff of the Department of History with the rank of Instructor.

*College of Mines and Metallurgy*—Professor T. E. Morris, Head of the Department of Economics and Business Administration, is on leave for the current year and is doing work on the doctorate in the University of California. Dr. John O. Gragg of the University of Texas is teaching in the absence of Professor Morris.

Dr. Rex W. Strickland, who supplied here last year for Miss Gladys Gregory, has been added to the regular staff of the Department of History and Social Sciences. Miss Gregory was awarded the Ph.D. degree by the University of Texas last June. Mrs. Mary E. Quinn is now giving full time to sociology.

*East Texas State Teachers College*—Professor E. W. Rowland, recently of the University of San Antonio, has been elected to the government staff of the East Texas State Teachers College.

Professor W. B. Stone, Head of the Department of Sociology, continued his graduate work in the University of Chicago during the summer session.

Professor J. K. Johnson of the Department of Sociology received the Ph.D. degree from Washington University at St. Louis in June.

Dr. R. L. Jones of Trinity University taught in the Department of History during the summer session.

*Hardin-Simmons University*—Professor W. C. Ribble of the Department of Economics is on leave of absence to complete the work for the Ph.D. degree in the University of Texas. Professor Ribble is manager of the Little Campus Dormitories.

Professor Chester Beard, formerly of Henderson, Texas, has accepted a position in the Department of Economics and Sociology. He will have charge of Professor Ribble's classes.

Professor J. Carlton Smith has been appointed Head of the Department of Business Administration. This position was formerly held by Dr. W. D. Rich who is now at Oklahoma A. and M. College.

Miss Loyce Adams of the Department of Business Administration of the College of Arts and Industries at Kingsville, Texas, has accepted a position as assistant in the Department of Business Administration. She succeeds Miss Joy Adams who accepted a position in Texas State College for Women at Denton.

*Sam Houston State Teachers College*—Professor W. V. Weber, formerly teacher of government here, has obtained employment in the Teachers College at Kalamazoo, Michigan. Dr. R. E. McClenden has succeeded him. Miss Mary Frances Baldwin and Miss Frances McMinn, both formerly employed in the demonstration school, have been added to the Social Science Department.

*Southern Methodist University*—Mr. Guy Fox resigned as Instructor in Government to go to the University of Montana. His place is being filled by Mr. Murray Dickson.

Judge Allen Melton has been elected as a Lecturer in the Arnold School of Government.

Mr. Herbert Gambrell, Associate Professor of History, is the author of "After the Merrimac" in the *October Reader's Digest*.

Dr. Karl Ashburn, Assistant Professor of Commerce, has resigned to go to Texas Technological College where he is

teaching economics. Mr. Charles E. Rattan is temporarily replacing Dr. Ashburn.

Mr. Elbert Hooker has been elected assistant in the Social Science Department to teach the social science orientation course.

Mr. A. W. Foscue, Associate Professor of Accounting and Statistics, taught economic statistics at the College of the City of New York during the summer. He exchanged with Professor John M. Firestone of that institution.

Mr. Dudley W. Curry is now Instructor in Accounting in the School of Commerce.

Miss Esther Bonnet, Chief Case Consultant at the Family Consultation Bureau, has been elected Lecturer in the Department of Sociology.

*Texas State College for Women*—Mrs. Mattie Lloyd Wooten, Associate Professor of Sociology, did advanced work in the University of California during the past summer.

Mrs. Aneta E. Bowden is a new member of the sociology faculty. Her term of service began with the summer session of 1937.

The Sociology Department is now equipping a laboratory for the use of its students. This work room is to be used by the students doing research work and for student and student-faculty conferences on sociological subjects.

*Texas Technological College*—Professor W. A. Jackson, Head of the Department of Government, has been made Dean of the Division of Graduate Studies. He will continue his work as Head of the Department of Government. He attended during the summer the five weeks' course in International Law at the University of Michigan.

Professor J. O. Ellsworth has been appointed Head of the Department of Economics and Business Administration to fill the vacancy caused by the death of Professor B. F. Condray. Professor Ellsworth holds the Ph.D. degree from Cornell University and served as head of the Department of Agricultural Economics in Texas Technological College from 1928-1937.

Professor A. J. Bahm has been promoted from Instructor to Assistant Professor in the Department of Philosophy and Sociology.



Dr. Karl E. Ashburn has been appointed Professor of Economics. Professor Ashburn holds the Ph.D. degree from Duke University and was formerly a member of the economics faculty at Southern Methodist University.

Mr. H. C. Pender, formerly Associate Professor in the Department of Government, has been promoted to the rank of Professor.

Mr. Haskell G. Taylor was appointed Instructor in Accounting in the Department of Economics and Business Administration.

Mr. W. W. Condray has been appointed part-time Professor of Accounting. Mr. Condray is a certified public accountant and practices in west Texas.

## BOOK REVIEWS

EDITED BY O. DOUGLAS WEEKS

*The University of Texas*

Lee, Alfred M., *The Daily Newspaper in America: The Evolution of a Social Instrument*. (New York: Macmillan Company, 1937, pp. xiv, 797.)

Here, in the footsteps of Hudson, Lee (James Melvin), Payne, and Bleyer, comes a new historian of the American press,—a social historian, with a liberal viewpoint, whose interpretation of the story of the growth of the newspaper business in the United States is interesting, significant, and in many respects different from that of earlier writers. A topical arrangement directs attention to important phases of the development, and removes it from the leading journals and personalities upon which it has been centered in the past. While origins and early developments are adequately presented, emphasis is on recent data from such sources as the files of *Editor and Publisher*. Extensive treatment results in a volume of imposing size.

Political scientists generally are interested in the power and influence of the press, but the student of political parties and public opinion will especially welcome a study of the press which presents, as this one does, conclusive proof of things which many of us have long suspected were true. The sense of social responsibility of those who guide the press now is not much higher, and is probably not any lower, than it has been for decades past. The publication of papers in America has always been chiefly a money making venture; recent consolidations and eliminations and the growth of capital investment and plant size have only served to accentuate this fact. Newspaper publishers, like lawyers and doctors and other organized professional groups, have resolutely resisted all progressive social and economic legislation that might conceivably cost them something, or modify in any way their entrenched position. Thus the press has from the beginning, opposed the ratification of the child labor amendment, and more recently, the adoption of the social security program. Its vicious, wholesale attacks on President Roosevelt in the 1936 Campaign are a matter of record. It has fought the organization of news writers, and has resisted all effort to improve the economic position of this group. In the face of overwhelming evidence to the contrary, the press has constantly defended the value of experience as a newsboy, to the boys themselves—because it was profitable to do so, making only such slight concessions to public sentiment from time to time, as were necessary to maintain the system.

Their stand on freedom of the press is quite as selfish and socially unenlightened. The constitutional guarantee, in a day when practically no attempt is made to control, or to exert improper influence upon the press through official channels, forms a convenient shibboleth behind which to hide, when any attempt is made by government to regulate hours, wages, and conditions of labor in the industry. One is reminded of the manner in which the freedom of contract and due process clauses have been distorted by corporation lawyers and by the courts. The author gives equally

realistic accounts of the development of the advertising racket, in its relation to the press; of puffs, propaganda, and press agency; of the relations of the press to the radio, and many other important questions.

With all its shortcomings, from a social point of view, the story of the development of the press in America must ever remain a fascinating one. The conquest of time and space, the development of coöperative news-gathering, the gradual improvements in the printing process itself from the early hand presses to the modern ones with a capacity of thousands and thousands of papers an hour—these things will ever arouse wonder and admiration. The faults of the press are the faults of the industrial civilization of which it is a part. We have had the ingenuity to figure out mechanical improvements, and the resources and the courage to develop them, but we have thus far lacked the ability to cope intelligently and effectively with the social aspects of a mechanistic civilization. We have been so busy making things that we have not had time to learn how to use or control them properly.

The volume is intended chiefly for text purposes in schools of journalism, but for fear some general readers might be discouraged, the footnotes are inconveniently placed at the end of each chapter. The usual information with regard to publisher, place and date of publication is regularly omitted in the footnotes, even with regard to titles not included in the brief selected bibliography, in the Appendix. The Appendix also includes a statistical note, and a valuable series of tables—historical, economic, and sociological in character—which take up more than forty pages. The index of thirty pages is adequate to permit the use of the volume for reference purposes. The format is attractive, the printing and binding well done. Two years of financial aid by the Friend Foundation and one by the Yale Graduate School have been well repaid by the completion of a study which represents a distinct contribution to the literature of the field.

W. BROOKE GRAVES

Temple University

Simon, Charlie May, *The Share-Cropper*. (New York: E. P. Dutton & Co., Inc., 1937, pp. 247.)

The story of Bill Bradley and his wife, Donie, as portrayed in this novel presumably depicts the life of two typical young members of the share-cropper class in a plantation region of Arkansas. However, the intimate recounting of details in the life of these two people, with very little emphasis upon the particular social and institutional factors which bring about the present situation, leads one to the conclusion that the book could better have been called "A Share-Cropper" rather than "The Share-Cropper." The particular difficulties which confronted this young share-cropper couple seems largely to have been a combination of all the conceivable difficulties that might befall any number of families in the entire share-cropper class.

The story of the struggle of this young couple against almost insurmountable odds attending the lot of a share-cropper inculcates in one a

feeling of sympathy for people in that particular tenure group. But, on the other hand, one is inclined to feel that the odds which the average share-cropper has to face are perhaps less numerous and also perhaps less difficult to overcome than are those pictured in the life of Bill and Donie. No doubt the life of the average share-cropper in a plantation region of the old South is a difficult one indeed, but it would have been more interesting if the social and economic background were traced more thoroughly, and were it more definitely interwoven into the life of these people in order that one could more definitely form some opinion, both as to the responsibility of the individual share-cropper for his plight and also that of the plantation owner whose land the former works.

Apparently there has been a definite and conscious effort on the part of the author to portray the wretched condition of the share-cropper with the intent to give the impression that he is constantly struggling against insurmountable difficulties in spite of his zealous toil and in spite of his ever-present ambition to achieve a higher economic station in life. The inference is that the responsibility for his plight rests upon the landlord or upon the manager of the plantation.

In portraying the struggles of this pair for greater security and a better economic status, intimate and detailed glimpses are afforded of most every phase of their existence from their wedding day until they were prematurely aged and broken through one year after another of planting, cotton chopping, cotton picking, and paying their debts at the commissary. Finally after gradually sinking from their early economic position to one of a still lower level through floods, eviction, and low prices due to the depression, Bill is persuaded to participate in the share-cropper movement in his region. Its chief function was to bargain with landlords for better terms of tenure, higher wages for agricultural laborers, more reasonable prices for food supplies purchased at the commissary, and finally for freedom from payment of the flat ten per cent interest charge on credit accounts. Because of his activities Bill finds himself on the boycott list of plantation owners, and is forced to seek a squatter's existence in a shack built with his own hands in the swampy area near the bank of the Mississippi River. Here in this position he is pictured as beginning life over again with a new ray of hope, because he occupies a shanty from which he can not be so easily evicted and where he may cultivate a small garden plot, and can pick a few fresh vegetables which he was pictured as being unable to raise in his prior locations. Donie was equally well pleased with her little house, her garden, and a mother hen running about the place with her brood of little chicks.

The story, on the whole, is rather readable and portrays rather vividly the tragedies attendant upon the life of a share-cropper. It also provokes interest on the part of thinking people concerning the means by which the evils incident to the plantation system might be eliminated and as to how those tenants and share-croppers who are really interested in bettering their lot may have more favorable circumstances under which to strive than has been the case in the main heretofore. In spite of these elements of strength in the story of the life of this pair of share-croppers, still one is left with considerable desire for more explanation of the causes

which gave rise to numerous difficult situations and problems with which they were confronted, a point upon which the author seemed little inclined to dwell.

Throughout the entire story one gets the impression of the deliberate intent to portray much more marked contrasts between the lot of the share-cropper and that of a landlord than actually exists in reality. For the most part throughout the entire story Mrs. Simon's share-cropper hardly had more than cornbread and molasses to eat—seldom even whipporwill peas or side meat—while the only occasion upon which the author makes mention of the kind of house in which plantation owners live and of the character of the food which they eat, she pictures, a large mansion set far back in a grove of magnolia trees set over a grass covered lawn with flowering shrubs banked deep against the back-yard fence. Upon one occasion, a share-cropper glanced through the window of the "big-house" and saw on the inside an elaborately furnished home with deep plushed rugs lying upon the floor, ornate light fixtures, a radio in operation bringing the latest news and the latest music, and the landlord with his guests all meticulously dressed, sitting around in a parlor consuming expensive iced-drinks from beautifully decorated tall glasses. He then talked with the negro cook at the back door of the plantation house concerning the whereabouts of her master, whereupon he noticed that she was preparing a supper composed of white-flour biscuits and baked chicken with sage dressing, while he himself had only cornbread and molasses.

Likewise, upon other occasions apparently contrasts were drawn which were not exactly in accord with the existing situation. For instance, one day while Bill was trudging along a dusty road—the roads were always dusty, because dusty roads are a little more disagreeable to travel than are other roads—his landlord, in passing him, stopped for a casual conversation and he was driving a Packard automobile, and a new one at that. Upon another occasion while Bill was walking along the road carrying his burden upon his back, he was knocked from the road by the car of a landlord from another plantation—this time the car in question was a new Pierce Arrow.

Upon the occasion of one of the meetings of share-croppers and farm laborers in order to organize the share-croppers' union, the chief reason advanced for the formation of the union was to enable the share-croppers to obtain a larger share of the income of the plantation, all of which income was said to have been produced by the tenants alone. One of the chief complaints of share-croppers was against the practice on the part of the commissary of charging ten per cent on accounts above the cash price, as if there were no risks involved in lending money on a time basis, much of which was never collected.

Tenants who participated in organizing the share-croppers' union were now placed on the landlord's black list and were, for this reason, unable to obtain land to rent. This was the occasion for Bill's having to find solace in the little shack out in the swamps where the story left him with Donie, a large family of children, with a dependent sister upon his hands,



and with little prospects for a cash income. However, how much his standard of living could be raised under the circumstances, the story did not go on to relate. Perhaps Bill was left to eke out his existence there, although penniless but happy.

C. A. WILEY

The University of Texas

Graham, Malcolm K., *The Synthetic Wealth of Nations*. (Nashville: Parthenon Press, 1937, pp. 319.)

Since the publication of Adam Smith's *Wealth of Nations*, approximately one hundred and fifty years ago, economic practice has become increasingly complex. The development of a machine civilization, with all of the accompanying reverberations, has forced changes in points of view in economic theory. Adam Smith lived and wrote at a time when the capitalistic system was in its infancy. The first machines were just beginning to produce faint rumblings in an economic order little accustomed to sudden change. Economic life was based on a relatively simple plane. The laws of supply and demand still operated in such way, apparently, as to enable one of the last great champions of *laissez faire* to set forth the thesis that the greatest good to the greatest number, employer and worker alike, can come only through an economic order where competition is unfettered by governmental restrictions and restraint.

*The Synthetic Wealth of Nations*, as the author indicates in his preface, is for the most part an adaption of the basic theories of Adam Smith to the modern economic world. In the process of adapting the work, the author follows rather closely the chapter headings and views of thought contained in the original *Wealth of Nations*. The author occasionally varies from the original work or takes exception to the original point of view, depending upon experience in economic practice and the developments in the economic order generally that have occurred since Smith wrote.

Throughout the present work the reader is impressed with the fact that the writer was confronted with a major difficulty. It is not easy to take the modern business system, with all of its interesting ramifications on the one hand, and the theories of a master living in a relatively simple economic order on the other, and make theory and contemporary economic reality harmonize. One infers that the major difficulty in this regard rested in the extent to which the opposing doctrines of *laissez faire*, mercantilism, and contemporary governmental regulation of industry clash in a modern economic world as compared with the same but different economic world of a century and a half ago. The reviewer gets the impression that, while the author does not agree with all of the governmental restraint and restriction of a contemporary new deal, nevertheless there remains the fact that more regulation of the economic order is necessary today than at the time when Smith wrote his *Wealth of Nations*.

An additional contribution made by *The Synthetic Wealth of Nations* rests in the simplification of some of the original theories in terms of present day economic theory and practice. The reviewer is very favorably impressed with the splendid achievement of Mr. Graham in translating

some rather tedious and intricate economic theories into a phraseology that can be readily understood by the layman. In order to make this contribution, the author had to have an intimate knowledge of the original *Wealth of Nations*, that could have been secured only through many hours spent in the reading and study of the original work.

Finally, the author has made a distinct contribution to the current literature in economic theory in translating an old economic classic in terms of modern problems. Advanced classes in economic theory and in the history of economic thought should find the volume a very valuable addition to the literature in the field.

J. J. RHYNE

University of Oklahoma

Adams, Arthur B., *Analyses of Business Cycles*. (New York: McGraw-Hill Book Co., 1936, pp. xi, 292.)

Dean Adams portrays the setting of the business cycle by describing the basic features of the modern economic system, the conflicting forces, the features of a stabilized system and the upsetting factors. If the fundamental factors were kept in proper relationship, the industrial system would best serve the interests of society. The upsetting factors are: (1) changes in the purchasing power of money resulting from alterations of the monetary system or shifts in policy; (2) maladjusted expansion and contraction of bank credit; and (3) the saving and productive investment of an excessive proportion of current money income, caused by concentration of wealth in a few hands and the increasing percentage of national income going to recipients of profits and property payments. Instances of the first type of disturbance have been rare (the Roosevelt monetary policy of 1933 was one). The second type has frequently occurred in the United States. The boom culminating in 1929 reflected the most notable occasion of the third type. As our economic system approaches maturity, the third type may become more common.

The self-generating cycle is rejected: "... each business cycle has a definite beginning and a definite ending" (p. 42). All business cycles fall into one of two classes: the inflation-deflation cycle and the over-investment-underconsumption cycle. In the former, the price level and profits move with business activity. In the latter, trouble arises from inequalities of wealth and income and maladjusted capital investment.

The meat of the book's theoretical argument is contained in chapters V, VI and VII. An inflational (*sic*) boom begins from a condition of equilibrium with an increase in monetary market demand in excess of market supply of goods and services. The increase in purchasing power is provided by new money, usually in peacetime by an expansion of bank credit induced by opportunity for profit in exploiting newly discovered resources, new industries or new developments in old industries. A mere increase in gold dollars by production, imports or devaluation has only a psychologically inflationary bearing on prices and can result in sustained higher prices only when attended by opportunities for large profits from industrial expansion (p. 96). When an inflationary boom has begun, the upward movement becomes cumulative. New prospective profits are gen-

erated in practically all industries by the great demand for producers' goods which are required to increase output. In the early stages of the boom, consumers' money incomes increase more rapidly than the output of consumers' goods, the production of which lags because of the time necessary for primary raw materials and capital to mature. Thus, all forces contribute to higher prices and to higher profit margins.

The upward swing of the boom, however, eventually upsets the balance of the economic system. The physical volume of produced consumers' goods rises more rapidly than consumers' purchasing power; profits decline because of rising costs; and, with accumulated stocks of high-cost goods, enterprises become questionable banking risks. Bank credit, moreover, may become exhausted. Prices decline and all the phases of a downward spiral ensue. The causes of depression then lie in the booms which precede them (p. 125). The downward readjustment can not be made in a slow and orderly manner because of the price and profits system.

Adams' explanation of the inflationary boom, in the reviewer's judgment, would be improved by further analysis of how enlarged bank deposits for capital expansion affect spending. When savings move into investment there can be little economic disturbance because the investment process is finally one of money flow to consumers. In the United States saving in excess of investment has seldom occurred except in periods of great uncertainty. Investment in excess of savings, the deficiency being supplied by bank credit expansion, has been, on the other hand, a common cause of booms and their depression aftermaths. The addition to the stream of money income by bank credit expansion for capital goods construction raises prices not only because of the increased money supply but because of the reduction of consumers' goods output following the competition for factors of production by capital goods producers. Windfall gains appear from the price rise and the demand for bank credit seems soundly based on "profits." But the new capital investment increases output so that, unless new bank credit expansion progressively continues, prices must subsequently fall to absorb the increased output. A price reaction may start a downward vicious circle in which monetary circulation becomes immobilized, because entrepreneurs prefer to hold money rather than invest. The solution for this instability is the Keynesian equilibrium of savings and investment, or practically applied in the United States, the interdiction of capital loans to the commercial banking system.

The overinvestment-underconsumption cycle according to Adams, results from incorrect proportions of spending and investment of the current national income. Too much is invested so that productive capacity grows faster than consumers' incomes. While the characteristics of this type of cycle are similar to the inflation-deflation cycle, it differs in pace and instead of beginning with panic, may end in panic. In the light of his theoretical analysis, Dean Adams prescribes a series of policies which he believes will equalize the national income and thus mitigate the overinvestment-underconsumption cycle. The possible long-run injuries on the lower-income masses of extreme limitation of hours, high minimum wages, confiscatory taxes and the like do not impress Adams as anything more than the errors of that greatly detested "*laissez-faire*" school of thought.

The book concludes with a sketch of forecasting business conditions.

The author does not hesitate to show how it should be done: "there will be a downswing in business *if* . . . the budget is balanced." "The threat of inflation may become much stronger *if* the government stops borrowing and business declines." "Orders for new equipment and building permits will probably increase in the next twelve months, *if* business does not decline in the meantime. In other words, there will be some improvements in the so-called heavy goods industries *if* there is no business slump to prevent the improvement." (*Italics supplied.*)

Dean Adams has produced a readable book presenting in the main the underconsumptionist philosophy of the business cycle. In the inchoate structure of business cycle theory, it should occupy a significant position.

CHARLES C. FICHTNER

University of Arkansas

Schmidt, Emerson D. (Ed.), *Man and Society*. (New York: Prentice-Hall, Inc., 1937, pp. vi, 805.)

*Man and Society* is a symposium contributed by thirteen writers, all of them, with two exceptions, of The University of Minnesota. It is offered as a text for use in social science orientation courses, and originated "in the difficulty of securing adequate materials for such a course in which several of the contributors have participated." Its value resides in the fact that it attempts to meet the need "for a single book that will survey the field of the social sciences but that will preserve the advantage of presenting the work and viewpoints of a number of authors." Teachers of the social sciences will welcome even modest success in such an undertaking.

A chapter is devoted to each of the following "fields" of social science—Sociology and Culture, Social Institutions, Social Anthropology, Social Psychology, Psychology, Criminology, History, and Human Geography. Government and Economics, the "vested interests" of social science, secure a space allotment amounting to almost half the book, with six chapters devoted to the following topics—Elements of Political Science, Popular Participation in Government, The Machinery of Government, The Economics of Price, The Distribution of Income, and Economic Security. The book closes with two chapters dealing with "Casual Relationships and their Measurement," and "Social Evaluation."

Since the aim of the book is "to acquaint the reader with the core of knowledge in each of the social sciences," some interesting questions may be raised in regard to its arrangement and content. For example, why should "Social Institutions" be categorized as a distinct social science rather than included in the chapter on "Sociology and Culture"? An answer to the effect that the study of social institutions is generally understood to be a phase of sociology is, of course, correct in the case of advanced students. It is certainly incorrect in the case of freshmen and sophomores.

Again, why should Psychology be included at all in a survey of the social sciences? Granted that a certain type of psychology might be relevant, the chapter contributed, with its strong physiological bent, gives much insight into the physiological foundations of human behavior but offers



little that will help in the understanding of social behavior. Space might as reasonably have been given to Biology or Chemistry. It is difficult to avoid the conclusion that the topics chosen for treatment relate to the men available at The University of Minnesota rather than to the demands of an adequate survey of social science.

In fact, most of the contributions are not *surveys* of "the core of knowledge" in the science discussed. They are statements of a point of view and greatly over-simplify the "conceptual confusion" present throughout social science. Blumer alone frankly recognizes this fact and as a result undertakes to introduce his reader to the conflicting points of view found in his field. For this he is to be commended, for any "orientation" failing to stress this point serves only to confuse the novice by leading him into a false sense of "conceptual security" and commits another crime in the name of Science.

A second major defect is the apparent lack of any logical sequence in the arrangement of the chapters. For the most part, they seem to be thrown together. To the reviewer, Chapter 15 on "Casual Relationships and their Measurement" should have been the first chapter if it was offered as a sort of introduction to scientific method. And, if it was so intended, it is mis-named and not very adequate. If, on the other hand, it was supposed to be a treatment of the statistical technique, (with some preliminary remarks on scientific method in general and some peripheral observations on other techniques), then it had no particular place in a survey of social science. It is a real defect that there is no adequate introductory chapter dealing with scientific method and its application to social data.

A third weakness is a certain monotony in treatment that might have been avoided by more careful editing. For example, a strong chapter on scientific method would have made it unnecessary for each contributor to assure his reader that he was "scientific." After having been assured and reassured, the reader would like to take the scientific impeccability of his author for granted and get on with the business at hand.

A first-class collection of specimens might be assembled which would suggest that the authors, though insistent on their scientific objectivity, have fallen from grace on occasions. For example, it is a trifle discouraging to have Wallis, speaking as a "scientific" social anthropologist, declare that "Diseases, death, and theft of lands are the amplest behests of civilization to preliterate folk." (page 94) Granted his right to be somewhat sentimental about primitive peoples, surely it is hyper-emotionalism to suggest that *death* was unknown to preliterate folk until "civilized pagans" contaminated them!

Even Hertzler contributes to this sort of thing. In his discussion of "wants, urges, interests, and desires" as the bases for institutions, he classifies these as "natural, acquired, and imagined wants for which satisfaction is sought." (page 57) A valid distinction between natural and acquired wants may be possible. To speak of "imagined wants" seems to suggest that Hertzler has found some that he deems not quite worthy of us. Social-scientifically speaking (if the phrase may be employed), no interest can be "imagined" to the people who practice it. To so label it, is to be guilty of a particularly vicious form of ethnocentrism and is reminiscent



of Sumner's paragraph on "harmful folkways" when, by his own definition, no folkway could be harmful when viewed within the limits of the culturally-defined situation.

The chief of sinners in this respect is Longstaff. In his eagerness to be "scientific," and in his desire to assure his students that Psychology deals with behavior that is "definitely observable and subject to study," he rather naively fails to point out to the beginner that "behavior" is never observable save in terms of a "conceptual frame of reference". When will we have done with this sort of subterfuge? Every serious student thinks that he is studying behavior that is definitely observable and hence subject to study. The whole discussion turns on questions of methodology and the student should know that perfectly competent and honest men differ as to when observation, measurement, and demonstration have taken place.

Finally, the book has no conceptual unity. I suppose it is too much to hope that it should have. Given the present state of social science, writers in the field seem unable to imagine the possibility of the development of a generalized conceptual framework, against the background of which each of the specialized disciplines could be projected. In the absence of such a framework, each investigator becomes a sort of "conceptual god" batting terms about at his convenience. This general condition is reflected in the present work. In consequence, it is an orientation to the arbitrarily determined "sections" that have been staked out in the academic pasture rather than an introduction to the study of collective behavior.

REX D. HOPPER

The University of Texas

Committee on Taxation of the Twentieth Century Fund, Inc., Carl Shoup, Research Director; Roy Blough and Mabel Newcomer, Associate directors. *Facing the Tax Problem*. (New York: Twentieth Century Fund, Inc., 1937, pp. 606.)

"Facing the Tax Problem" is a comprehensive, readable and scholarly survey of taxation in the United States. It is more than a survey; it suggests a practical program for the future. The treatment of our complex and perplexing tax problem is intelligent and logical from the opening chapters dealing with our tax background to the final chapters dealing with conclusions and recommendations regarding a program for future tax action. Undoubtedly, every citizen might read this book with profit.

Although edited by Carl Shoup, a special committee of the Twentieth Century Fund was in charge of the findings and recommendations and formulated the program for action. This committee was composed of prominent men, representing diverse interests and views. The committee was composed of: Thomas I. Parkinson, President, The Equitable Life Assurance Society; Francis Biddle, former Chairman of the National Labor Relations Board; Henry S. Dennison, President, Dennison Manufacturing Company; Robert Murray Haig, Professor of Political Economy, Columbia University; Roswell Magill, Under Secretary of the Treasury; Peter Moleneaux, Editor, "Texas Weekly;" and Eustice Seligman, of the firm of Sullivan and Cromwell.

Interesting are the aims of taxation, the primary ones being revenue and social control and the secondary ones being an even distribution of the tax burden, stability of revenue, ease of administration, public interest, and adaptability to the exigencies of the conflicting governmental units. The study proceeds from the background of taxation to the present system of taxation and makes an analysis of its aim.

Some of the limits of any tax program are discussed. These limitations resolve themselves into non-economic limits of constitutional restrictions and political limits determined by the tax consciousness of the people. The economic limits are created by the nature of the tax expenditure rather than the amount or nature of the tax. This part of the study is concluded with the significant statement—"If the tax money is to be used to produce the necessities of life, the limit of taxable capacity becomes remote."

The following recommendations are worthy of consideration: (1) that a better tax co-ordination be effected between federal, state, and local units of government; (2) that the base of the federal income tax be broadened and its weight on the taxpayers increased by lowering the exemptions; (3) that the sales tax be repealed except in those states where pressing fiscal needs makes it impossible, and that the revenue previously raised by this tax be raised by a personal income tax; (4) that the undistributed profits tax, as it now stands, be repealed, and that in its place individuals be required to value their shareholdings each year and enter the plus and minus values of their personal income tax; (5) that the capital gains or losses be continued to be reported in individual income tax liability but that a system be invoked of computing gains and losses as they accrue, even though not realized; (6) that the excise profits tax be repealed and reinacted after a five year period during which accurate records are to be kept and a scientific study made to serve as a basis of the new law; (7) that the federal payroll taxes for social security be reduced by placing the system on a current cost basis; (8) that the death taxes and gift taxes be more heavily relied upon and that they be more closely co-ordinated; (9) and that all special taxes on chain stores be repealed.

The tax problem of the United States is highly complex and strikingly important. The stupendous total tax figure of \$12,600,000,000 for 1936 is beyond the average mental grasp; but failure to comprehend its magnitude does not prevent one from becoming alarmed at the governmental expenditure of \$17,400,000,000, which leaves a budgetary shortage of \$4,800,000,000. To bring it all closer home, a tax bill of \$100 a year would be the average for each inhabitant. Whether we wish it or not, the complex problem of the multiplicity of tax agencies and the extreme difficulty of devising new taxes is inevitably becoming a pressing problem to every citizen.

This study with its recommendations should prove stimulating to all those who are interested in our tax problem, and the factual material presented by the research staff should serve as an excellent basis for its intelligent solution.

C. S. WILKINS

John Tarleton Agricultural College

Lewinsohn, Richard, *The Profits of War*. (New York: E. P. Dutton & Co., Inc., 1937, pp. 287.)

Since the World War efforts have been made in several states, notably the United States, Great Britain, and France, not only to discover who made profits out of the war but also to take measures looking to the curtailment or abolition of similar profits in future wars. Books written upon the subject, have had wide and appreciative audiences. One curious consequence, for a time, was the strengthening of the "devil theory" of war, i. e., that certain ascertainable groups and interests were responsible for war because they profited thereby. A broader, more historical approach to the subject was needed, and it was the purpose of the author of the present volume to supply that need.

He surveyed the subject from Julius Caesar to the present and found what he believed to be satisfactory evidence not only that profits were to be made from war but also that the recipients thereof could be roughly classified as generals, financiers, armament firms, contractors, and speculators. The shifting of profits from one of the groups to another did not occur at any one time or place, and the rate of change was uneven; yet the conclusion that with the passage of time war profits became more and more indirect, farther and farther removed from the area of hostilities seems inescapable. In short, if in the Rome of antiquity Julius Caesar could bring home loot enough from his wars to pay off his vast debts and yet leave him wealthy, nowadays it is probable that the "war millionaires" will be found largely in the ranks of stock gamblers, euphemistically termed speculators.

These shifts have been brought about not merely by the development of public opinion against war profits but even more by developments in technology, finance, and government. Great have been the changes from the time when armies foraged for their sustenance and fought for their own loot to the present day when political, economic, and social structures seem to be regarded more and more as existing primarily to sustain the fighting forces, whose victories are expected to repay the nation—or rather certain elements of the nation—with the loot of modern times, to wit., raw materials, markets, the labor of defeated, dependent peoples and new areas for the investment of "surpluses," won by previous exploitations.

But is it a hopeless prospect? The author is almost over-cautious in his surmises, preferring, apparently, to let the story speak for itself. It is a black, sordid chapter in human history, but it is not without some relief, at least prospective. With the development of a more definitely social purpose for government and the state it is noted that governmental activities, agencies, and rules have tended to check first one group of profiteers and then the next. Now the tendency is to prevent, by nationalization or otherwise, the making of profits by the armament makers just as governmental financing interfered with the old-time private financing of warring kings and generals. If that trend continues, then profit-making from war itself will be pushed farther and farther back until not even the humblest entrepreneur of farm or factory will ever again feel the delirium of a sudden war prosperity.

At least two dark clouds remain. In the first place, as the author

so ably depicts, the modern arms maker is opposed to war because war may bring destruction to him as well as to his economic paradise; but he wishes ardently to preserve a condition of "precarious peace," i.e., an atmosphere of tension in which huge armaments will be needed but not used. It may appropriately be asked, in view of recent events in England, Germany, Japan, Italy and the United States, whether that desire is any longer limited to armament firms. In the second place, granted that with the improvement of governmental technique and social attitudes it is possible to remove the sorry spectacle of huge private fortunes made directly or indirectly out of the unspeakable horror of war or out of preparation for war, it still remains to ask whether there would be any assurance that tightly organized, nationalistic societies would not employ their perfected state mechanisms to wage more deadly and more holy wars upon other like societies—for the enrichment of the "common fund." No answer is even hinted at in this excellent volume, except to the extent that international control over armaments and trade in arms has been attempted; but again the reader may surmise that in this respect more than a national outlook will be required. Apparently, however, men must first grow weary and exhausted by the very cruelty, bitterness, hatred, and destructiveness of their nationalisms before they are prepared to be intelligent citizens of the entire community of men.

CHARLES A. TIMM

The University of Texas

Thornton, Janet, *The Social Component in Medical Care*. (New York: Columbia University Press, 1937, pp. xiv, 400.)

For some time physicians have known that social conditions have an influence on the etiology of certain diseases. *The Social Component in Medical Care* is the result of a study of one hundred cases in the Presbyterian Hospital in New York City to determine what part the patient's social situation and his manner of reacting to it played in the development of ill health. The author also brings out the question of the need for social service in a hospital from a purely medical standpoint and whether or not the expense of such a staff is justified. The social service department in this hospital was established in 1904 and after a period of 32 years of efficient service could well be delegated to make this exploration.

In making an individual study of each patient, the method most frequently used was that of interviewing the patient and those in a position to know him best. The one hundred cases, with abstracts, are grouped according to the medical diagnosis as acute, recurrent, chronic, chronic-terminal and without organic disease. These abstracts, one complete case record and partial records and discussions of seventeen other cases make up the book.

Assuming that persons were disabled not only as a result of impairment of function by organic disease, but also by impairment of function caused by physical deprivations and strains, and feeling of dissatisfaction, all social factors which might produce malnutrition, overfatigue or excessive emotional tension were included. Where disturbed bodily and social states



were found to exist at the same time, an effort was made to determine whether this condition was cause and effect, or a mutual relationship. If the patient, for example, were unable to follow the physician's instructions, by failing to have personal service, or being forced to work when rest was recommended, and there was premature organic deterioration with no signs of injury from infection or poison, then the social state was considered contributory to the health problem. For such social problems the hospital made an effort to bring about a change, by controlling the patient's environment or influencing his conduct or both. Any unrelated social problems were referred to the non-medical welfare agencies.

This study fails to show that social factors affect organic disease directly in many cases. However, social factors were found to be important in connection with the problem of disability, whether or not they were caused by organic disease. It was noted that it was not the degree of physical impairment, but the attitude of the patient; that it was likewise not the extent of environmental deficiencies, but patient's feeling about such insufficiencies that were significant.

This study found connected with disability most frequently the feeling of dissatisfaction, but no statement was made as to whether this feeling, by creating tension in the body, can produce an effect which renders it liable to disease. The suggestion was made that undue emotional tensions may produce an effect on the body similar to that of fatigue. Stimulus for fatigue may be removed and well-being restored, while emotional tension may be prolonged by recollection, even after the stimulus is withdrawn.

The conclusion was made that the degree of dissatisfaction influences the degree of disability, and, therefore, social conditions which promote dissatisfaction in a patient deserve the attention of the physician.

PAULINE THROWER

University of Oklahoma

Graves, W. Brooke, *American State Government*. (Boston: D. C. Heath and Company, 1936, pp. xiii, 829.)

Professor Graves, in this first of two volumes to be devoted to a survey of state government and state administration, has dealt primarily with those topics that might be included in a study of state "government" in its various relationships as distinguished from a more detailed and more confined analysis of state administrative operation and procedure. A companion volume, now in the process of preparation, will be devoted to the problems of state administration and will include separate chapters on the most important functions performed by the states. It must not be inferred, however, that in the present volume the author has left untouched the subject of administrative organization or the extent of the state's general regulatory power. Of twenty-two chapters in the book, five deal respectively with the position of the governor, state personnel administration, administrative organization and reorganization, the revenue system, and the police power. The inclusion of these chapters touching "administration" gives to this textbook a balance which makes its use suitable



either for a general survey course on state government and administration covering one semester, or for the first semester of a year's course in which an attempt is made, for the sake of convenience, to divide the subject-matter into the fields of "government" and "administration."

Since no two authors will possibly ever agree as to what should or should not be included in a textbook of this character, the futility of pointing out such differences of opinion is apparent, especially if the book makes some pretense at a well rounded treatment of the topics usually covered. Moreover, the pattern of textbooks surveying any level of American government is fairly well defined, although emphasis will vary with the author's predilections. In the opinion of the reviewer, Professor Graves has carefully and with reason chosen the content of this volume. Three introductory chapters point out the importance of state government, the place of the states in our federal system, and the formulation and amendment of state constitutions. Two chapters deal with political parties and popular control; three with state legislative organization and procedure; and three with executive and administrative organization, procedure, and problems. Chapters on "The Revenue System" and "Public Expenditures and the Borrowing Power" project the most important financial problems affecting state governments. Judicial and legal problems are treated adequately in five well written chapters, and the interesting and challenging problem of intergovernmental relations is surveyed in four. The historical and constitutional background for each important topic is given in concise form, and all important recent developments are summarized. The wealth of factual material presented without loss of perspective and the carefully selected bibliography accompanying each chapter should be of considerable interest and value to students and teachers. It is a well written, carefully planned, and serviceable textbook in a field where good textbooks are rare.

J. ALTON BURDINE

The University of Texas

Bernard, L. L., and Others, *The Fields and Methods of Sociology*. (New York: Farrar & Reinhart Inc., 1934, pp. xvi, 529.)

The dual problems of delimitation of subject matter and of methodology in sociology and in the social sciences generally has been attacked by social scientists practically from the date of origination of each of the social science specialisms. The fact, however, that a consideration of fields and methods is not new, does not prevent the subject from being of the greatest importance to the social sciences. Rather, it is indicative of the fact that progress in defining the scope of each specialism, and in the development of methods of research, has been very slow and likewise very difficult. The situation is such, that at the present time, the different social sciences tend to form no natural or logical sequence or limitation of field, nor has there been developed any techniques for research that may be said to have made research in the social sciences comparable to research in the physical and natural sciences.

*The Fields and Methods of Sociology* edited by Professor Bernard for the most part is composed of selected papers on the subjects that were read before the 1932 meeting of the American Sociological Society. The materials in the volume have been very splendidly arranged so as to cover the fields and problems of the wide range of materials that are generally

considered to fall within the scope of the specialism. Aside from a critical evaluation of the whole problem of method by the editor, consideration is given to the field and method in historical sociology, biological sociology, human geography, human ecology, rural sociology, urban sociology, cultural sociology, educational sociology, social psychology and social psychiatry.

The volume should be of great value to advanced classes in methods of research. Perhaps no other phase of sociology has been neglected by the teachers of sociology as has the study of the field and methods. The editor is to be congratulated for bringing these papers into a well arranged, unified and logical form where they are available to students and teachers of sociology.

J. J. RHYNE

University of Oklahoma

Jones, Fred Mitchell, *Middlemen in the Domestic Trade of the United States 1800-1860*, University of Illinois Studies, Vol. XXI, No. 3, (Urbana: University of Illinois Press, 1937, pp. 81.)

The title to this study is fairly descriptive of its content. The author finds a system of middlemen in the United States at the opening of the 19th century designed primarily to serve an agricultural country with small markets, with transportation and communication facilities undeveloped, with an industrial organization in the household stage, and dependent for the bulk of its manufactured products not produced in the household upon more industrially advanced countries. Because of the inability of the small retailer to realize directly the economics of large-scale buying and because of his need for a variety of products, the jobber middleman had made his appearance. The customary channel of distribution was importer-jobber-retailer-consumer. The author traces the changes which this system underwent in response to the commercial disturbance occasioned by the War of 1812, and subsequently in response to improvements in transportation and changes in the structure of domestic industry. The auctioneer, the factor, the broker, the commission merchant made their appearance in various commercial lines at various times. Some of these changes were resisted by attempts on the part of vested interests to secure the enactment of discriminatory legislation. These attempts on the whole, however, were unsuccessful. The author concludes that during the period under review "the various middlemen attempted to adapt themselves to the changing economic conditions. The factors that had the greatest influence in this adaptation were changes in the source of supply, changes in the markets, and improvements in transportation and communication facilities."

GEORGE W. STOCKING

The University of Texas

Carleton, R. L., *The Reorganization and Consolidation of State Administration in Louisiana*. (Baton Rouge: Louisiana State University Press, 1937, pp. 279.)

This volume by the late Professor Carleton is the result of the first survey project undertaken by the Bureau of Government at Louisiana

State University. It represents a type of inquiry that ought to be undertaken in each state, for the benefit of scholars in other states and of the residents of the states themselves. The present study is divided into four parts. The first two are brief and deal with the movement for state administrative reorganization in general; the third surveys the existing setup in Louisiana, while the last presents a program for reorganization and consolidation. A good bibliography and an index conclude the work.

In Part III, certain essential data is given for each administrative department, board or commission—constitutional provisions, if any; statutory provisions; judicial decisions; data on organization, and on powers and duties. With regard to some agencies, long lists of judicial decisions are cited, without any indication of the names of the litigants, or of the nature of the question before the court at the time. The inclusion of such information would obviously have enhanced greatly the usefulness of the work. In Part IV, the existing agencies are classified according to major governmental functions, with alternative suggestions as to types of administrative setup suitable for their performance.

The book contains a vast amount of information about the government of Louisiana, but it does not impress one as being as good a book as it might have been with the material at hand. There is room for surveys of state administration less extensive and less formidable in size than the numerous products of the professional survey organizations, but in meeting that need, every effort should be made to observe equally high standards of workmanship. This book is in a sense, a pioneer effort, which it is hoped, may inspire inquiry along similar lines by the bureaus of government in other state universities, especially in those states where no recent survey is available.

W. BROOKE GRAVES

Temple University

López, Alejandro, *Idearium Liberal*. (Paris: Ediciones La Antorcha, 1936, pp. 240.)

The author, a distinguished public man and literary figure in Colombia, attributes the rapidly changing times in his country to three things: the changing character of education, influences (mainly economic) from abroad, and the rapid growth and increasing density of the national population. His chief attention is given to the types of social reorganization, especially in industry, labor, finance, land policy, and political reform, made necessary by the growth of population. He points out that Colombia is now as densely populated as was Great Britain when Adam Smith wrote the *Wealth of Nations*. Industries and cities are coming to outweigh the rural pursuits and influence, and the new development is calling for a new type of leadership. The men who led the revolution against Spain over a hundred years ago were consecrated to the liberal doctrines of the French Revolution, but they were succeeded by leaders who aimed at power for themselves; and these in turn by a new type of exploiters who rule not alone by direct military manipulation of the masses, as did their predecessors, but through a clever manipulation of economic and legislative power and

the control of publicity. The author hails a new type of leader, public spirited, with knowledge of modern social science and with a desire to guide the people in the direction of democracy through popular education and social reform. For this last (reform) he turns largely to the experience of France and England. Also, he wishes to see the undeveloped lands of the Amazon made productive and he seeks enlightenment in this regard from English colonial policy in Australia and Africa. Altogether this is a heartening book for one who prefers democracy to dictatorships.

L. L. BERNARD

Washington University

Bye, Raymond T., and Blodgett, Ralph H., *Getting and Earning*. (New York: F. S. Crofts & Co., 1937, pp. 274.)

In the preface of this book the authors state that economists for the most part have been content to describe the processes of distribution as it is now carried on; and, that some of them have confused explanation with justification and thereby assumed a *laissez faire* position. These authors further assert that they believe economics must be pushed beyond the stage of mere description to evaluation, and thence to programs of improvement. As indicated by the title of the book they draw a contrast between "getting" and "earning," and proceed upon the thesis that it should be impossible for anyone to get an income which he has not earned. Moreover, they assert that it is possible to develop a social program which would make it impossible for anyone to receive an unearned income.

They present the problem of inequality of income in the first two chapters on Poverty and Riches and Earned and Unearned Income. In the next four chapters on Interest, Rents, Wages and Profits they attempt to explain how and why some individuals get more and others less than they earn. The last two of the eight chapters of the book are devoted to a discussion of the problems of Inheritance and Responsibilities of Wealth.

The book contains nothing of a startling nature, and little or nothing that is new. Other than mild taxation of unearned incomes and some public regulation of minimum wages of laborers, the authors suggest no basic changes in the operation of our capitalistic system. They attempt to explain interest, rents, wages and profits largely in accordance with orthodox neo-classical economic theory which, I think, ill fits the actual processes of income distribution today. According to my way of thinking, therefore, they too are guilty of confusing explanation with justification in their description of the operation of our economic system. Consequently, there is no definite or clear-cut program of economic reform set forth by the authors.

ARTHUR B. ADAMS

Norman, Oklahoma

Whittlesey, Charles R., *International Monetary Issues*. (New York: McGraw-Hill Book Company, 1937, pp. vii, 252.)

The occasion for this study was the monetary revolution from 1931 to 1936, which has caused many students to question more than ever the basic



assumptions of the Gold Standard and which has made international monetary issues of primary importance today. Those who are interested in these issues and who have had sufficient preparation in the study of money, will find this study helpful, though not completely satisfactory in every respect.

It is essentially a study of the international aspects of money, the domestic aspects of money being avoided as much as possible. More particularly, it undertakes to examine the theoretical implications of flexible as compared to rigid exchange rates. It examines with expert understanding of the problem, the possible differences in the operation of the two systems of exchange rates from the standpoint of international trade, of foreign investments, of internal prices, employment, business activity and banking policy. The analysis does not always lead to any clear conclusions for or against either system. It recognizes that neither system is perfect. However, on the whole, it concludes in favor of the flexible as against the rigid system. The opinion is advanced that considerable of a start has been taken in the direction of the flexible system through the establishment of exchange equalization funds and their internationalization.

I. J. SOLLENBERGER

University of Oklahoma

#### BOOK NOTES

One of the most interesting developments in our constitutional federalism has been the gradual extension of federal control and influence in certain fields of action formerly confined to state and local areas of government. Although this extension of control may or may not have raised questions of constitutional significance, it has presented problems of governmental area, administrative organization and procedure, and inter-governmental relations that have recently become subjects of considerable interest and debate. From the standpoint of functions, crime control is one of the best illustrations of the tendency toward centralization among the several levels of American government, a tendency resulting, in part, from the inadequacy or unwillingness of those areas of government traditionally charged with certain functions to perform those functions satisfactorily. In *Local Democracy and Crime Control* (Washington: The Brookings Institution, 1936, pp. xii, 263) and *Crime Control by the National Government* (Washington: The Brookings Institution, 1937, pp. xiv, 306), A. C. Millsbaugh surveys the machinery and procedure of crime control studies that should be of great value to all students and teachers of American government. In the first book, the author's study of crime control by local units of government leads him inevitably to a critical evaluation of the entire local government setup and its relationship to the state. In the second book mentioned, the author treats not only the growth and expansion of activities of federal agencies concerned with this function but also the problems arising from federal-state-local relations in this field of activity. Because of the hitherto unplanned and rather haphazard



approach to a solution of this problem by all governmental areas concerned, Mr. Millspaugh offers, in each book, challenging suggestions for a future course of action.

J. A. B.

Collins, S. D. and Tibbitts, C., *Research Memorandum on Social Aspects of Health in The Depression*, (New York: Social Science Research Council, 1937, pp. xiii, 191). Considerable scientific study and public interest, especially since the last depression, has centered on the problem of health and the depression. The *Committee on the Cost of Medical Care*, which concluded its series of studies on the public's health just prior to the depression, furnished an excellent background for the studies along the same line that have been made since the depression. *Research Memorandum on Social Aspects of Health In The Depression* by S. D. Collins and Clark Tibbitts is one in the series of studies prepared under the direction of the Committee on Studies in Social Aspects of the Depression of the Social Science Research Council. The monograph falls into three divisions: namely, a consideration of the problem; the presentation of facts concerning illness, mortality and environment in terms of economic status, and some suggestions for the prevention and treatment of illness. The central fact coming from the study, which has also been true of previous studies of the kind, is a greater incidence of illness and a higher death rate among the lower than among the higher income groups.

J. J. R.

The practices as contrasted with the pretensions of British imperialism in Africa are portrayed by George Padmore in *How Britain Rules Africa* (London: Wishart Books Ltd., 1936, pp. xiii, 402). After describing briefly the conquest and partitioning of Africa he analyzes in some detail the social, economic, and political systems in British Africa. He offers much evidence to show that in most respects the natives are exploited for the benefit of the British and other white elements of the population. Even the boasted desire of colonial Britons for self-government has as its main impetus, he seems to believe, the desire to exploit the natives without any interference from the home government. So-called "services" on behalf of the natives he belittles by showing that mere handfuls of Englishmen in an area receive proportionately much more benefits from education and health services than do the natives. Even the missions come in for severe treatment, and the whole of British imperialism in Africa is approved merely to the extent that it is slightly better than was the German. A hopeful aspect of the picture, in the author's opinion, is the rising tide of African nationalism.

C. T.

*Desde la Tribuna*, by Juan Vázquez Cañas (Editorial Tor, Buenos Aires, pp. 127) contains eight occasional addresses, of which two are of decided significance and two others are of much interest to those who would understand the present and past in Argentina. An address at the unveiling

of a monument to Rivadavia illustrates the national admiration for their first president. Another address on Libraries and the Daily Newspaper summarizes well the part, both good and bad, the latter plays in the daily intellectual life of the Argentines and calls attention to the great need to increase acquaintance with the more fundamental facts of life and society by the reading of good books. A third address signalizes the present occupational disorientation of the country and the need for a more realistic type of education. Throughout the pages of this little volume are frequent references to the effect of the great depression upon the economic, political and social adjustments of the people, but the treatment of these themes at large is incidental rather than direct.

L. L. B.

That Spain is not the only state in which Nazi Germany is seeking to gain both economic and political influence is dramatically shown in F. Elwyn Jones's *Hitler's Drive to the East* (New York: E. P. Dutton and Co., 1937, pp. 130). In eight short chapters the author boldly outlines Nazi plans and propaganda methods and depicts the manner of their application and the degree of their success in Czechoslovakia, Greece, Rumania, Bulgaria, and Yugoslavia. In every instance he analyzes local situations that seem to invite Nazi intrigue—economic distress, wrangling among political factions, the appearance of "leaders," the use in the right quarters of funds from Germany. In short, the Nazis found conditions ripe for the spread of their influence; for the countries concerned were ready for economic "bargains," and conservative elements welcomed an opportunity to employ violent repression against liberals and radicals. The author believes, however, that some of the states are waking up to the imperialistic motives back of the Nazi schemes and that even in Germany forces are developing that may in time destroy the Nazi regime.

C. T.

Edith Abbott's *Some American Pioneers in Social Welfare* (University of Chicago Press, 1937, pp. xi, 189), is a distinct contribution to the literature in the history of social work. Brief biographical sketches are given on the life and activities of a number of the early proponents for care of problem cases in human society. Included in the group studied are Benjamin Rush, the physician-philanthropist, Benjamin Franklin and his work with the Pennsylvania Hospital, Thomas Eddy and Dorothea L. Dix and their proposals for the care of the insane, Samuel G. Howe and his work with the blind, Stephen Girard's efforts to curb yellow fever and to promote education, and Charles L. Brace and the Children's Aid Society of New York City. In reading the brief accounts of these outstanding figures in the early days of social work in America one wishes that the author had elaborated on the lives and works of each and had also included in a larger volume others necessarily eliminated because of a lack of space.

J. J. R.

*Anglo-Russian Relations Concerning Afghanistan, 1837-1907* (The University of Illinois, 1937, pp. 102) by William Habberton is No. 4 of Vol. XXI of the Illinois Studies in the Social Sciences. The monograph presents a carefully documented study of the conflict of English and Russian policies at a strategic point of contact. It emphasizes what is generally known: that England had no definite policy except security for India, that Russia sought both expansion of frontiers and retaliation against England and that both powers regarded Afghanistan as small states are commonly regarded by state playing the game of power politics. The author draws an inevitable analogy with the Monroe Doctrine and includes two maps, both virtually unusable so far as details are concerned.

C. T.